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THE IOWA JOURNAL OF HISTORY
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THE
IOWA JOURNAL
OF
HISTORY AND POLITICS

EDITOR
BENJAMIN F. SHAMBAUGH

VOLUME XXII
1924

PUBLISHED QUARTERLY BY
THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA
1924

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PUBLISHED QUARTERLY
AT IOWA CITY

SUBSCRIPTION PRICE: \$2.00 SINGLE NUMBER: 50 CENTS

Address all Communications to
THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE IOWA JOURNAL OF HISTORY AND POLITICS
JANUARY NINETEEN HUNDRED TWENTY-FOUR
VOLUME TWENTY-TWO NUMBER ONE

VOL. XXII—1

THE GRANGER MOVEMENT IN THE MIDDLE WEST WITH SPECIAL REFERENCE TO IOWA¹

It is the purpose of this study to review the history of the Granger movement in the Middle West with special reference to Iowa. In undertaking this task it is proposed: first, to analyze the causes of agricultural discontent after the Civil War; second, to discuss briefly the origin and rapid growth of the Granger movement throughout the Middle West in the early seventies; and third, to present a consideration of the significant aspects of the movement — its relation to the railroads, its coöperative undertakings, and its work as a social, charitable, and educational organization. Following these considerations, attention will be given to the rapid decline of the Grange in the later seventies, the achievements of this organization, and its status at the present time.²

CAUSES OF AGRICULTURAL DISCONTENT IN THE MIDDLE WEST AFTER THE CIVIL WAR

Although the Granger movement was suggested by conditions in the South at the close of the Civil War and was planned by men in the East it found its most fertile field for development in the States of the Middle West.³ As a

¹ This paper was prepared under the direction of L. B. Schmidt, Professor of History at the Iowa State College of Agriculture and Mechanic Arts, while the writer was a graduate student at that institution during the academic year of 1921-1922.

² For a select list of references on the rise and growth of farmers' organizations in the United States after the Civil War, see Schmidt's *Topical Studies and References on the Economic History of American Agriculture*, Revised Edition (McKinley Publishing Company, Philadelphia, 1923), Topic XXXVIII.

³ See Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), Ch. I.

result of existing conditions, the time was ripe for the formation of a great farmers' organization in these States.

The leading causes of the Granger movement were economic. At the close of the Civil War there began a great movement of population into the Middle West. The prairie States were settled in the sixties by men returning from the armies and by workers from the eastern factories. The Homestead Law had given a great impetus to the settlement of the virgin lands of the West. Young agricultural communities had "grown up with unprecedented rapidity in the very centre of the continent, many hundreds of miles away from those great centres of human industry to which it must look for its markets and sources of supply."⁴ The prosperity of such isolated communities was almost entirely dependent upon transportation facilities and with the rapid settlement there came a demand for railroads. The farmers realized their isolation and were willing to make any sacrifice for railroad development; the result was "that disastrous railroad mania which culminated in the panic of 1873". In Illinois, Wisconsin, Iowa, Minnesota, Nebraska, and Kansas the railroad mileage, during the period from 1867 to 1873, increased from 6992 miles to 17,645 miles or 254 per cent.⁵ The farmers invested in stock to aid the building of the railroads but became dissatisfied because their investments returned no profits and rates became no cheaper.⁶ From 1865 to 1871 the sum of \$500,000,000 was invested in the western railroads. It is said that "one acre out of every eight and a half of the

⁴ Adams's *The Granger Movement* in *The North American Review* (April, 1875), Vol. CXX, p. 396.

⁵ Adams's *The Granger Movement* in *The North American Review* (April, 1875), Vol. CXX, p. 397.

⁶ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 9-15.

entire area of Iowa had been given away to the railroad corporations''.⁷ This rapid development, resulting from the demand of the people, led the railroads to make large investments and to incur huge debts. There was little traffic, however, except in passengers and grain, and the debts had been contracted in inflated currency. Every company sought to make a profit, and keen competition led to discrimination between points as to rates. The farmers, who became the victims, were incensed; movements sprang up here and there against the railroads, and government control was suggested. The high rates were not the only grievance: little regard was given to the convenience of passengers. Charles Francis Adams said that "taken as a class, the manners of the employees of the Western railroad system are probably the worst and most offensive to be found in the civilized world."⁸ Absentee ownership by men in the East and in Europe also found disfavor and caused discontent.⁹ Men who had urged the development of the railroads and had invested their small earnings in railroad stocks now became their enemies.

Another economic cause of the discontent was low prices. The western States produced grain as their chief crop and the demand for their products had been good up to 1871 due to the wars in Europe.¹⁰ These demands, however, largely ceased with the close of the wars while the large production, due to increased immigration, westward expansion, and improved machinery, continued. An oversupply

⁷ Pierson's *The Rise of the Granger Movement* in *The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 203.

⁸ Adams's *The Granger Movement* in *The North American Review* (April, 1875), Vol. CXX, p. 402.

⁹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 12, 13.

¹⁰ Pierson's *The Rise of the Granger Movement* in *The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 203.

was soon on hand. In the year 1870, eleven of these western States, with a population of 14,283,000 people, produced 150,000,000 bushels of wheat, 11,000,000 tons of hay, and 1,012,000,000 bushels of cereals. Probably 8,000,000 tons of grain, besides hay and other products, were shipped on the railroads.¹¹ It was natural that low prices should result. In 1869 corn sold for 60 cents a bushel. From 1872 to 1880 the prices ranged between 35 and 40 cents a bushel. Wheat, which in 1866 sold for \$1.52, dropped to 86 cents in 1874.¹² These low prices worked hardships upon the farmers.

High taxes on the farmer's property was a contributing cause of dissatisfaction. The Civil War placed a heavy burden upon the taxpayers. Customs revenue taxes had been placed on all goods used by rural people,¹³ and taxes on real and personal property were heavy. These were felt in full force by farmers, for their largest holdings were in land which was easily assessed, while the railroads and other corporations were able to evade taxation on large amounts of their property.¹⁴

The farmers were in very critical financial circumstances at this period. Debts had been made in money inflated by the war. This money quickly depreciated but the debts had to be paid in solid specie worth from twenty to thirty per cent more than the original debt.¹⁵ Loan companies de-

¹¹ Grosvenor's *The Railroads and the Farms* in *The Atlantic Monthly* (November, 1873), Vol. XXXII, p. 591.

¹² Schmidt's *The History of the Granger Movement* in *The Prairie Farmer* (January 22, 1921), Vol. XCIII, p. 128.

¹³ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 23, 24.

¹⁴ Schmidt's *The History of the Granger Movement* in *The Prairie Farmer* (January 22, 1921), Vol. XCIII, p. 128.

¹⁵ Schmidt's *The History of the Granger Movement* in *The Prairie Farmer* (January 22, 1921), Vol. XCIII, p. 128.

manded extremely high interest rates.¹⁶ As a result it was impossible for many farmers to meet their obligations and foreclosures resulted.

The farmer had another grievance — the excessive profits of the middleman. Farmers generally felt that their share of the profits on farm products was “the smallest and the most unfair” and that it was “not in proportion to the profits of the merchant or miller.”¹⁷ The merchants were said to be growing “rich at the expense of the farmer and the community.”¹⁸ The author of this statement embellished his book with pictures among which was one entitled “Life among the Middlemen”, showing the merchants at gay wine parties and feasts held at the farmer’s expense.¹⁹ It is doubtless true that the middlemen forced the farmers to sell at unremunerative prices and took decided advantages of them, since they knew the market conditions while the farmers were ignorant of them.²⁰ The middlemen determined the prices the farmers were to receive for their goods as well as the prices they were to pay for the supplies they needed.²¹

The economic causes of agricultural discontent may therefore be summarized thus: (1) high railroad rates with unfair treatment; (2) low prices; (3) exorbitant taxes; (4) heavy financial burdens; and (5) the excessive profits of the middlemen.

The political causes of agricultural discontent, however,

¹⁶ Buck’s *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 19, 20.

¹⁷ Martin’s *History of the Grange Movement*, p. 295.

¹⁸ Martin’s *History of the Grange Movement*, p. 297.

¹⁹ Martin’s *History of the Grange Movement*, p. 305.

²⁰ Buck’s *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 16.

²¹ Buck’s *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 17.

were no less significant than the economic. The farmers had few representatives in Congress or in the State legislatures, the governing bodies being chiefly composed of lawyers and business men. In the Forty-third Congress of the United States, sixty-one per cent of the members were lawyers, sixteen per cent were merchants and manufacturers, while only seven per cent were farmers.²² Professional men were represented in Congress by one member to every 10,800; trade and industry had one representative to every 26,000 of their number; while the farmers had but one representative to every 228,000.²³ Corporations and business concerns thus controlled the lawmaking bodies and regulatory laws were naturally made in their favor, while the farmers' needs found little consideration. As a result the farmers were quick to lay their difficulties at the door of Congress and say that corrupt politics was the cause.²⁴

The farmers' lack of educational and social opportunity was another major cause of agricultural discontent. The rural population had poor educational facilities: agricultural colleges and papers were almost unknown, and the farmers lacked the opportunity to acquire general knowledge. Living in isolation, with few social contacts and no conveniences, they felt keenly the difference between their position and that of their city brothers.²⁵

To these conditions should be added the psychological factor — the extreme individualism of the farmer which

²² Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 35.

²³ Editorial in *The Nation*, July 16, 1874, p. 36.

²⁴ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 35.

²⁵ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 37, 38; Schmidt's *The History of the Granger Movement in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 139.

intensified his discontent and dissatisfaction with existing conditions and led him to support any organization which promised remedial reforms.

These then were the conditions — economic, political, social, educational, and psychological — which produced the great wave of discontent among the farmers of the Middle West in the period following the Civil War, and led to the formation of the greatest farmers' organization in American history. With these facts in mind, attention will now be given to the origin and growth of the Grange, or the Patrons of Husbandry, as this organization has been called.

ORIGIN AND GROWTH OF THE PATRONS OF HUSBANDRY

The idea of gathering the farmers into a large organization for mutual assistance was suggested to Oliver H. Kelley, a clerk in the service of the Department of Agriculture at Washington, by conditions among rural people in the South. Mr. Kelley, who was a native of Boston, had taken a claim at Itasca, Minnesota, in 1849. He remained there until 1864 when he went to Washington to accept a clerkship in the Department of Agriculture. Commissioner Isaac Newton selected him to visit the southern States in the interest of the Department and on January 1, 1866, he left for the South. For three and a half months he visited different sections of the country and everywhere he was impressed by the lamentable conditions of the farming population.²⁶ He returned to Washington on April 21st with the idea that the remedy for rural conditions was the organization of the farmers. To his niece, Carrie Hall of Boston, he suggested the formation of a secret order of the farmers for their mutual benefit.²⁷ She gave him much

²⁶ Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 12.

²⁷ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 172.

encouragement and suggested that women as well as men be admitted. At Washington he interested six other government clerks and together they worked out a ritual for the organization said to have been suggested by that of the Masonic order. This has been described as "a ritual of four degrees for men and four for women, unsurpassed . . . in the English language, for originality of thought, beauty of diction, and purity of sentiment."²⁸ It was planned that the subordinate Granges should confer the four degrees—Laborer, Cultivator, Harvester, and Husbandman—on the men, and the four degrees—Maid, Shepherdess, Gleaner, and Matron—on the women.²⁹ Three higher degrees were also provided: the degree Pomona was to be conferred by the State Grange on Masters and Past-Masters of subordinate Granges, and upon their wives, if they held the degree of Matron; Flora, the sixth degree, was conferred by the National Grange on Masters and Past-Masters of State Granges and their wives, if they held the fifth degree; and the seventh degree, Demeter, was conferred only by the National Council.³⁰ It was felt that such a ritual would appeal to rural people and this proved correct.

These seven men planned the details of the organization at various informal meetings, and on December 4, 1867, established the National Grange of the Order of Patrons of Husbandry.³¹ Its membership consisted "of one fruit

²⁸ Quoted from Aiken's *The Grange—Its Origin, Progress, and Purposes* (Special Report, No. 2, Miscellaneous Series, United States Department of Agriculture) in Paine's *The Granger Movement in Illinois* (University of Illinois Studies, Vol. I, No. 8), p. 5.

²⁹ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 172.

³⁰ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 172.

³¹ Paine's *The Granger Movement in Illinois* (University of Illinois Studies, Vol. I, No. 8), p. 5.

grower and six government clerks, equally distributed among the Post Office, Treasury and Agricultural Departments".³² The first officers were elected for five years. William Saunders was chosen "Master"; J. R. Thompson, "Lecturer"; W. M. Ireland, "Treasurer"; Oliver H. Kelley, "Secretary"; and A. B. Grosh of the Agricultural Bureau, "Chaplain".³³ For several years the organization did not increase. The first subordinate Grange was organized at Washington, the membership consisting chiefly of government clerks. Kelley's plan was to work out the ritual with them and train them for organization service.³⁴ He first tried to propagate the new order through correspondence and advertisement, but this plan did not succeed, and Mr. Kelley resigned his position and started out to organize subordinate granges in each State. He was to receive a salary of \$2000 a year which was to be taken from the fees paid by the subordinate Granges to the National Grange. His plan was to organize several local Granges in each State and with these to organize the State Grange. Then State Grange Masters were to be appointed as deputies to work throughout the State.

Charters were to be issued only when at least nine men and four women were pledged, and charter membership in each Grange was limited to thirty persons, ten of whom must be women. Initiation fees were set at three dollars for men and fifty cents for women, and fifteen dollars from these fees was to be paid to the National Grange.³⁵

³² Paine's *The Granger Movement in Illinois* (*University of Illinois Studies*, Vol. I, No. 8), p. 6.

³³ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 172.

³⁴ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 43.

³⁵ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 44, 48.

With two dollars and fifty cents in his pocket, Kelley started for Minnesota. It was his purpose to organize locals on his way and finance himself out of the fees received. He organized Granges in New York, Pennsylvania, Ohio, and Wisconsin on his way to Minnesota but most of these soon died out.³⁶ At Fredonia, New York, the second local Grange was organized. It was really the first subordinate Grange among farmers as the one at Washington consisted solely of a group of clerks.³⁷ Kelley was not a success as a lecturer, and "he made the mistake of laboring in the larger towns, instead of in the country", so his success was not marked, but he did not lose courage. He wrote to Washington for aid but received only "duns" for unpaid bills in reply. An advertisement scheme was his next resort. He had a sheet printed upon which he portrayed in glowing terms the success of the new organization. This he sent to western farmers, especially in Minnesota.³⁸ Charles W. Pierson says:

In the latter part of 1868 certain Minnesota farmers received a printed sheet which began as follows: "In response to numerous inquiries in regard to our order, this circular is issued. The order was organized by a number of distinguished agriculturists of various States of the Union at Washington, in December, 1867, and since then has met most encouraging success, giving assurances that it will soon become one of the most useful and powerful organizations in the United States. Its grand object is not only general improvement in husbandry, but to increase the general happiness, wealth, and prosperity of the country."³⁹

³⁶ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 172.

³⁷ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 45.

³⁸ Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 200.

³⁹ Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 199.

Although untrue for the most part since few had heard of the order, this statement did a great deal to advertise the Grange in an appealing way and inquiries began to come to Washington concerning the organization. Kelley also got in touch with several leaders in Minnesota. Colonel D. A. Robertson of St. Paul took an interest in the order and through his efforts on September 2, 1868, the first Grange in the West was organized at St. Paul. It was called the "North Star Grange".⁴⁰ These Grangers took an active interest in the order, revived the circulars, advocated crop reports, suggested depots for the sale of produce, and opposed corporations. On February 23, 1869, the Minnesota State Grange was organized.⁴¹

Meanwhile the Grange had found its way into Iowa. The Washington office had received a communication from A. Failor concerning the organization of a Grange at Newton and on May 2, 1868, the fifteen dollar fee was received at Washington and the charter issued to the Newton group. The second Iowa Grange was not organized until over a year later — at Pottsville in October, 1869. A third organization was established at Waukon by Kelley, and Dudley W. Adams, first State Master of Iowa and later National Master, became secretary of this Grange. Nine more local organizations were added to the list in 1870 chiefly through the efforts of W. D. Wilson of the *Iowa Homestead*. On January 12, 1871, the Iowa State Grange was organized with eleven subordinate Granges represented. By April 22nd, deputies had organized twenty-six more, and at the end of the year 1871 there were 102 Granges in Iowa.⁴²

⁴⁰ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 46.

⁴¹ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 46.

⁴² Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 46, 47, 49, 50.

The year 1872 witnessed a very rapid growth in the number of new Granges in the West, the number reaching 1150 as compared with 132 the previous year. Six hundred and fifty-two or over one-half of the total number were organized in Iowa.⁴³ In 1873 Granges were organized extensively throughout the West. Early in 1872 the number of Granges had increased to 1362, but in 1873, 10,029 were in existence.⁴⁴ At the end of 1873 Iowa had a total of 1838 Granges, and the Iowa organization had received \$17,612.85 in dues.⁴⁵ This rapid growth continued during the year 1874—2119 new Granges being organized in January, 1874, 2238 or about 80 each day in February, and 2024 in March. The last six months of 1874, however, saw a decrease in the number of new Granges organized, the average being about 400 per month.⁴⁶ C. W. Pierson says that the total in 1875 was almost 22,000 Granges, with an average of 40 members to each Grange. This movement spread to every State in the Union, except Rhode Island, and to Canada, where 860 Granges were organized. It was also introduced into England, France, and Germany.⁴⁷ As a result the Patrons of Husbandry grew to over 800,000 active members in a period of four years. From the dues paid to the National Grange annually by local Granges, Edward Atkinson has figured that there were 268,368 Grangers in 1874, 858,050 in 1875, and 728,313 in 1876.⁴⁸

⁴³ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 53, 54.

⁴⁴ Schmidt's *How the Granger Movement Swept the Country in The Prairie Farmer* (January 29, 1921), Vol. XCIII, p. 191.

⁴⁵ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), pp. 50, 69.

⁴⁶ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 66.

⁴⁷ Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 201.

⁴⁸ Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 350.

The rapid increase in the number of local Granges in the middle western States is shown in Table I.

TABLE I

NUMBER OF GRANGES IN THE MIDDLE WESTERN STATES BY STATED PERIODS FROM 1873 TO 1876 ⁴⁹							
STATES	MAY 1873	AUG. 1873	MAR. 1874	SEPT. 1874	JAN. 1875	OCT. 1875	JULY 1876
IOWA	1507	1763	1918	1999	1891	1164	1018
MINNESOTA	219	327	467	538	506	456	295
MISSOURI	245	483	1807	1976	2009	1901	974
KANSAS	128	399	1073	1350	1332	409	874
NEBRASKA	100	300	504	596	592	289	361
ILLINOIS	431	562	1148	1503	1533	789	646
INDIANA	142	266	1502	1987	2000	1485	1145
OHIO	47	80	594	1014	1102	879	1214
MICHIGAN	24	40	284	496	551	605	593
WISCONSIN	140	189	410	504	505	446	294
DAKOTA TERRITORY	8	11	47	56	56	53	26

The seventh annual session of the National Grange, which met at St. Louis, Missouri, from February 4 to 12, 1874, set forth the purposes and enunciated the principles behind this vast organization of American farmers. This session has been characterized as "the most representative gathering of farmers which had ever taken place in the United States".⁵⁰ It consisted of forty-five delegates with voting power, twelve of whom were women, and it represented thirty-two State and territorial Granges with a

⁴⁹ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 58, 59.

⁵⁰ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 63.

membership of half a million people.⁵¹ At this session a "Declaration of Purposes of the National Grange" was drawn up and adopted. The statement read in part as follows:

We shall endeavor to enhance the comforts and attractions of our homes, and strengthen our attachment to our pursuits; to foster co-operation; to diversify our crops; to condense the weight of our exports, selling less in the bushel and more on hoof and in fleece; to discountenance the credit system, the mortgage system, the fashion system, and every other system tending to prodigality and bankruptcy. We propose meeting together, buying together, selling together. We wage no aggressive warfare against any other interests whatever. . . . we hold that transportation companies are necessary to our success, that their interests are intimately connected with our interests, and that harmonious action is mutually advantageous. *We are not enemies of railroads.* In our noble order there is no communism, no agrarianism; we emphatically assert the truth taught in our organic law that the Grange is not a political or party organization. No Grange, if true to its obligations, can discuss political or religious questions, nor call political conventions, nor nominate candidates, nor even discuss their merits in its meetings.⁵²

The principles governing the Granger organization can be deduced from this statement. First, it was to enhance the farmer's social life; second, to advocate better agricultural methods; third, to advance the economic conditions of the farmers through coöperative buying and selling, and by the substitution of cash dealings for the credit and mortgage systems. On the other hand the Grange was not to make aggressive warfare on other groups, was not to be an enemy of the railroads, and was to be non-partisan in political affairs and non-sectarian in religion.

⁵¹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 63.

⁵² Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 202.

E. W. Martin said: "The Grange offers to the farmers of the United States a means of combination of harmony of action such as they have never before possessed. . . . Its primary object is to bring about a reunion among the farmers of the Republic, for it is its cardinal maxim that only in union can the agricultural class show its strength and make it felt."⁵³ The Grange leaders recognized the evils that prey on the farmer and tried to protect him from them. With these high aims and principles as their goal, the Patrons of Husbandry set out to do their work.

THE GRANGE AND THE RAILROADS

An outstanding feature of the Granger movement was its relation to the railroads. The importance of the railroad question in connection with the Grange is evidenced from the fact that *The Nation*, one of the leading magazines of the time, recognized no other phase in its articles dealing with the movement. In almost every issue during the years 1873 and 1874 there appeared an article on the Granger movement and the railroads and when the collapse of the Grange occurred *The Nation* interpreted it as due altogether to its railroad activities.⁵⁴ E. W. Martin wrote a *History of the Grange Movement*, the sub-title of which was a *History of the Farmers' War against Monopolies*, the chief of which was the railroad. A large part of this five hundred page book is devoted to the railroad question.

This question was of extreme importance to the western States because they were altogether dependent upon the railroads for the transportation of their products to the eastern markets. Without the railroads there could have been no such speedy development of the western prairie States as was evidenced; in fact, the railroad was a fundamental necessity in their development. F. H. Dixon says

⁵³ Martin's *History of the Grange Movement*, pp. 440, 441.

⁵⁴ *Granger Collapse in The Nation* (January 27, 1876), Vol. XXII, p. 57.

that the railroads preceded the economic development of the West and were the chief factor in this development.⁵⁵ That this is true is shown by the amount of grain transported by rail to the East in 1870. The total wheat crop of the United States for that year was 287,745,626 bushels. Of that amount the western States, exclusive of the Pacific States and the Territories, produced 202,000,000 bushels, about one-third of which was consumed by the people of these States. The remainder was shipped to other States and to foreign countries. Europe received 50,000,000 bushels; New England 35,000,000 bushels; New York 33,000,000 bushels; Pennsylvania, New Jersey, and Maryland 5,000,000 bushels; and a large amount was shipped to the South. Most of this grain went by rail to Chicago. During the summer months boats were used to carry it from there to the East, but the season was short for lake traffic so the rest was sent to the seaboard over the railroads.⁵⁶ The same was true of corn, of which a large quantity was sent east. A like situation existed in the case of all other western products such as live stock. Supplies that the West must have such as farm implements, clothes, furniture, and food products were manufactured in the East and so the farmer was also dependent for these necessities on the railroads. The National Grange soon recognized this and in 1874 at its St. Louis session it wrote into its Declaration of Purposes the statement that, "we hold that transportation companies are necessary to our success, that their interests are intimately connected with our interests, and that harmonious action is mutually advantageous. *We are not enemies of railroads*".⁵⁷

⁵⁵ Dixon's *State Railroad Control — With a History of Its Development in Iowa*, p. 19.

⁵⁶ Martin's *History of the Grange Movement*, pp. 313, 314.

⁵⁷ Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 202.

Why then should there have been any struggle between the Grange and the railroads if each was dependent upon the other? About 1870 the farmers began to complain of high rates, although the rates were no higher then than they had been five or six years previous. During these earlier years, however, prices for farm products were good and the margin of profit was fair so that the rates were not so noticeable. With the fall of prices, however, the margin of profits was smaller, so that an advance of a cent or two would often take the whole profit from a bushel of grain and the rates were felt to be too high. Instead of blaming overproduction and low prices for this the farmers blamed the railroads and contended that shipping costs were too high. An editorial in *The Nation* of July, 1876, presented this point of view and asserted that while the farmers' movement was said to be an attempt on the part of an oppressed class to redress its wrongs, it was in reality a quarrel between producers and carriers as to profits. It also declared that the farmers were attempting to saddle the railroads with the blame properly belonging to the farmers themselves for their imprudent overproduction.⁵⁸

The farmers had a just grievance against the roads on the point of discrimination between stations and persons. The railroads, owned largely by absentee owners, sought chiefly to make dividends on their stock and failed to recognize the principle of service to patrons. Keen competition with other roads and the small amount of traffic except in grains to the East and supplies for the West forced the railroads to use every means to get the business. The practice of putting rates low, "so low, indeed, as to bring a loss to the roads",⁵⁹ at those points where two lines intersected,

⁵⁸ Editorial in *The Nation* (July 16, 1874), Vol. XIX, p. 36.

⁵⁹ Paine's *The Granger Movement in Illinois* (*University of Illinois Studies*, Vol. I, No. 8), p. 16.

was common. This loss must be made up by overcharges at intermediate points. Of course those who lived at points thus discriminated against had just cause for complaint. Discriminations were also made against persons. Each individual made his own bargain with the roads to a large extent and if a farmer had a large amount of shipping business the roads would naturally give him better terms than were given the small shippers.

The attitude toward and treatment of patrons by railroad officials and employees also caused great dissatisfaction. It was a common practice for employees to insult passengers. "A system of incivility, oppression, and brutality seems to prevail upon many roads in their treatment of those who support them, which would ruin any other enterprise dependent upon public patronage. . . . the road will keep the money and render nothing in return except upon its own conditions."⁶⁰ The statement of C. F. Adams that "taken as a class, the manners of the employees of the Western Railroad systems are probably the worst and most offensive to be found in the civilized world"⁶¹ has already been quoted. In *The Atlantic Monthly* of that period J. A. Coleman published an interesting article on this subject in which he tells of being beaten and thrown off a train on the New York and New Haven Road by railroad officials and employees because he did not have the exact form of ticket required although the ticket he had was commonly accepted on all railroads. He sued the railroad and in five different trials, received a verdict in his favor.⁶² At the trials the railroad lawyers sought to bluff

⁶⁰ Coleman's *The Fight of a Man With a Railroad* in *The Atlantic Monthly* (December, 1872), Vol. XXX, pp. 641, 642.

⁶¹ Adams's *The Granger Movement* in *The North American Review* (April, 1875), Vol. CXX, p. 402.

⁶² Coleman's *The Fight of a Man With a Railroad* in *The Atlantic Monthly* (December, 1872), Vol. XXX, pp. 644-648.

and intimidate the witnesses and one of the leading railroad officials said, "the Road is determined to make it so terrible for the public to fight it, right or wrong, that they will stop it."⁶³ Such was the attitude of the railroads. They were not in sympathy with their patrons and sought to intimidate them so that, "right or wrong", they would make no opposition. This attitude of the roads soon aroused public opinion against them.

From the number of criticisms of the railroads, however, it appears that in many instances the farmers were unreasonable.⁶⁴ They were unable or unwilling to see any of the benefits derived from the roads, and took the position that the railroads were their enemies continually hostile to their welfare.

To remedy this condition of hostility the farmers sought some method of reform, and several suggestions were made. A consolidation of the business of the farmers who needed transportation by railroads was suggested, but this was impracticable. Government ownership of the railroads was advocated but its failure was feared because control of the railroads would then become a political matter and Congressmen and government officials would seek offices for their friends without regard for their ability or fitness to do the work.⁶⁵

Supervision by the States was advocated, too, but *The Atlantic Monthly* contended that State control was already a failure and hence could not succeed.⁶⁶ State regulation by legislation was the method generally thought best

⁶³ Coleman's *The Fight of a Man With a Railroad* in *The Atlantic Monthly* (December, 1872), Vol. XXX, p. 641.

⁶⁴ Paine's *The Granger Movement in Illinois* (*University of Illinois Studies*, Vol. I, No. 8), p. 19.

⁶⁵ *Politics* in *The Atlantic Monthly* (March, 1873), Vol. XXXI, p. 384.

⁶⁶ *Politics* in *The Atlantic Monthly* (March, 1873), Vol. XXXI, p. 383.

and it was the one adopted. There were men, however, who early predicted its failure. W. M. Grosvenor said in 1873: "But no possible change in rates of freight which can be reached by State legislation, by pressure of public opinion, or even by the miraculous Christianization of railroad managers, can do as much as the removal of unjust and unnecessary burdens now imposed by the tariff."⁶⁷ In an article on *Transportation and the Tariff*, *The Nation* said: "In other words the question of transportation is part and parcel of the tariff question, and cannot be dealt with apart from it. Transportation is made dear by the dearness of supplies". Iron, cars, and stations cost huge prices because the railroads were taxed so heavily. To have cheap transportation cheap materials were declared to be necessary.⁶⁸

The Grangers adopted the policy of State regulation through legislation contending that the railroads were public utilities and as such were subject to public control. The result was the so-called Granger legislation. This was enacted chiefly in Iowa, Illinois, and Wisconsin — the chief Granger States. C. W. Pierson contends that this fight on the railroads was not a Granger matter, calling attention to the St. Louis principles and other statements of the Grange. He contends that it was the other farmers' organizations that called forth this legislation and says the Grange should not be held responsible for it, but he admits that the same farmers made up both groups and that the resolutions of the Iowa State Grange in 1873 suggested active participation in the fight by the Grange.⁶⁹

⁶⁷ Grosvenor's *The Railroads and the Farms* in *The Atlantic Monthly* (November, 1873), Vol. XXXII, p. 609.

⁶⁸ *Transportation and the Tariff* in *The Nation* (May 1, 1873), Vol. XVI, pp. 296, 297.

⁶⁹ Pierson's *The Rise of the Granger Movement* in *The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 204.

Of the States enacting laws to regulate the railroads, Iowa is outstanding. From the time of its first settlement Iowa was an agricultural State and consequently depended upon the transportation of its produce to eastern and foreign markets. This need of transportation was recognized at the first session of the General Assembly of the State when it asked Congress to assist in railroad development through the grant of public lands to railroads. Congress replied with the Land Grant Bill of 1856.⁷⁰ These lands were accepted by the railroads, and the principle of the regulation of the roads by the State was put into the charters. Regulation by the State was asserted still more in 1866 and 1868.⁷¹ By 1870, four trunk lines had been built across Iowa east and west. A road was completed from Dubuque to Sioux City by 1870 and leased to the Illinois Central. The Iowa Central Air Line ran along the 42nd parallel to Council Bluffs in 1867, the Chicago, Rock Island and Pacific stretched from Davenport to Council Bluffs by 1869, and the Chicago, Burlington and Quincy in the south of the State reached the Missouri River in 1867.⁷² These four railroads gave Iowa good freight and passenger facilities. But as early as 1870, there was a feeling that the roads needed regulation, and in that year three bills were introduced in the Iowa House of Representatives for the purpose of establishing freight and passenger rates and creating a railroad commission. All of these efforts, however, were blocked in the Senate.⁷³ In 1870 and 1871, both the Repub-

⁷⁰ Dixon's *State Railroad Control—With a History of Its Development in Iowa*, pp. 19, 20.

⁷¹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 166.

⁷² Dixon's *State Railroad Control—With a History of Its Development in Iowa*, pp. 20, 21.

⁷³ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 166, 167.

lican and Democratic platforms contained planks relative to railroad regulation, asserting the right of the State to regulate the roads and demanding legislation. The farmers also began to exert more pressure, and in 1872 the O'Donnell bill which fixed rates and provided for commissioners was passed by the House. The Senate, however, again refused to concur.⁷⁴

During the summer of 1873 farmers of Iowa formed the Anti-Monopoly party, the chief demand of which was government control of the railroads. Many of its members also belonged to the Grange.⁷⁵ Their success in the election of 1873 is evident from the fact that of the one hundred Representatives in the State General Assembly, fifty were chosen from the Anti-Monopoly ticket, and seventy of the members were Patrons of Husbandry.⁷⁶ At the fourth annual meeting of the State Grange, which began at Des Moines, on December 9, 1873,⁷⁷ there were 309 delegates representing eighty-eight counties of the State and 1838 subordinate Granges.⁷⁸ This gathering took advantage of its opportunity to influence legislation. Resolutions were passed pointing out both to the State Assembly and to Congress the kind of law desired by the farmers. The Committee on Transportation presented resolutions which were adopted asking Congress to improve the Mississippi River at its mouth. It was also requested that the Fox and Wis-

⁷⁴ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 167.

⁷⁵ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 169.

⁷⁶ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 170.

⁷⁷ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 3.

⁷⁸ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), pp. 3-6.

consin rivers be speedily improved. The resolution stated that Senators and Representatives would be held to "a strict, real and actual accountability".⁷⁹ Then the body petitioned Congress to make appropriation for and to construct a double-tracked railroad from the Missouri River to the eastern seaboard, beginning at Sioux City and terminating at Norfolk, Virginia.⁸⁰ The resolutions were adopted with the hope that farmers would not then need to patronize the roads already existing. Concerning these roads the meeting adopted the following resolution:

Resolved, That we urge upon Congress to settle the very important question, almost as important to the great mass of the people of the nation, as is life, as to the rightful authority of the National Legislature to restrict the prices of fare and freight upon the various lines of railroad passing through the different states, by fixing a reasonable limit to fares and freight on all such roads.⁸¹

It was hoped that a sweeping law of Congress fixing rates for all the roads in all States would render unnecessary State legislation on this subject. Petitions to the State legislature indicating the type of law desired were prepared, however, and later representatives of the State Grange appeared before the Committee on Railroads. This pressure brought to bear through resolutions and personal contact resulted in the introduction of eight bills to regulate the railroads.⁸² All were referred to the Committee on Railroads which reported a substitute bill. This bill was accepted and became the famous Iowa railroad law of 1874.

The law divided the roads into three classes according to

⁷⁹ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 45.

⁸⁰ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 86.

⁸¹ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 45.

⁸² Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 170.

the gross amount of annual earnings.⁸³ Class A roads were those earning \$4000 or more per mile of track. Class B included those making from \$3000 to \$4000 per mile profit. Class C included all railroads earning less than \$3000 per mile. Passenger fares were fixed according to this classification at three cents per mile for roads in Class A, three and one-half cents per mile for roads in Class B, and four cents per mile for roads in Class C.⁸⁴ The law provided a very detailed schedule of freight rates. Progressive rates on freight per 100 pounds were fixed on hauls from one to three hundred and seventy-six miles. Four general classes of freight were provided for, and a separate list for flour, salt, cement, all grains and wheat, lumber, horses, mules, cattle, and hogs was included. Carload rates on the four general classes were specified. Roads of Class A were limited to a charge of 90 per cent of the rates thus provided in the law; roads of Class B could charge 5 per cent more than the specified rates, and those of Class C 20 per cent more. Thus the law provided different charges for the different roads according to class.⁸⁵ All articles were then placed in one of the four classes.⁸⁶ The law further provided that each corporation was to post its classifications and schedules of fares and rates and send annually to the Governor a report of its earnings. A penalty of \$100 was imposed for each day the report was delinquent. The Executive Council was to classify the roads and the Governor was to certify the classification. The rates became effective on July 4, 1874. In case of a suit, the charges of which must be certified to by twenty persons, the Governor was empowered to employ counsel to aid the public. A sum of ten thousand

⁸³ *Laws of Iowa* (Public), 1874, Ch. 68, p. 61.

⁸⁴ *Laws of Iowa* (Public), 1874, Ch. 68, p. 61.

⁸⁵ *Laws of Iowa* (Public), 1874, Ch. 68, pp. 62-76.

⁸⁶ *Laws of Iowa* (Public), 1874, Ch. 68, pp. 77-87.

dollars was stipulated for such aid and the Governor was given power to use additional money if necessary. The law furthermore contained the following prohibition against discrimination:

No railroad company shall charge any person, company or corporation for the transportation of any property a greater sum than it shall at the same time charge and collect from any other person, company, or corporation for a like service, from the same place and upon like conditions, and all concessions of rates, drawbacks, and contracts for special rates founded upon the demands of commerce and transportation shall be open to all persons, companies, and corporations alike.⁸⁷

The penalty for violations was a fine of from \$20 to \$100 and imprisonment from five to thirty days. In case of overcharge the company must repay the person so charged five times the amount taken from him and five hundred dollars was to be paid the State for each offense. Enforcement of the law was placed in the hands of the Attorney General. This law was approved by the Governor on March 23, 1874.⁸⁸

The railroads contended that the law made their business unremunerative and sought its repeal. Some of the roads failed to comply with its provisions and the Attorney General instituted suit against them. In the case of the Chicago, Burlington and Quincy the State was given the verdict on the principle that the railroads were public highways and that the right to make rates was therefore subject to State regulation.⁸⁹ Thereupon the railroad appealed the case to the United States Supreme Court, which decided in favor of the State in 1876. The railroads then put forth

⁸⁷ *Laws of Iowa* (Public), 1874, Ch. 68, pp. 88, 89.

⁸⁸ *Laws of Iowa* (Public), 1874, Ch. 68, p. 89.

⁸⁹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 170-177.

efforts to influence public sentiment but this proved ineffective until 1878.

The story of the repeal of this famous law was interestingly told by Charles Aldrich in *THE IOWA JOURNAL OF HISTORY AND POLITICS* in 1905. In 1877 Mr. Aldrich visited the northern counties of Iowa to find out public feeling concerning the law. He found that sentiment there was against it and recommended the law be repealed and that another law modeled after the Massachusetts Commission Plan law take its place. He advised that the agitation for the change in the law be started by enlisting leading eastern men and papers to write about it. Mr. Aldrich visited William K. Ackerman of the Illinois Central Railroad at Chicago and presented his plan, but President Ackerman was not impressed. He assented, however, to a trial of the method. In the East, Mr. Aldrich visited leading editors but received little encouragement until he visited the offices of the *New York Tribune*. He also enlisted the support of a New York publishing company and they persuaded Charles Francis Adams, Jr., to write a volume on *The Railroad Problem*. Then an editorial was published in the *Tribune* of November 15, 1877, which aided in securing the repeal of the law. This editorial pointed out that all Iowa railroads were losing money, some were unable to borrow money to complete their tracks, none had paid a cent in dividends, eleven showed deficits on their books, and seven had defaulted in the payment of interest on their debts. It pointed out further that the railroads had made Iowa and that the future prosperity of the State depended on them, that no one would invest capital in railroads under the current law, and that if Iowa wanted relief the law must be repealed. This editorial was copied by Chicago papers, then in turn by all leading Iowa papers. Public opinion forced the repeal of this law in October, 1878, and a law of

the Massachusetts type was passed to replace it. This ended Iowa's Granger legislation.⁹⁰

Illinois also enacted legislation regulating the railroads as a result of Granger activities. Efforts to regulate the railroads were made prior to 1871 but these attempts were not very successful. In 1871, however, a large number of farmers in the Illinois General Assembly formed a "Legislative Farmers' Club". Through this "farm bloc" laws were passed regulating fares, freight rates, warehouses, and the carrying of grains on the railroads. It also established a State railroad board and warehouse commission, which called for the earnings and mileage of the various roads, classified them, and worked out the rates to be charged.⁹¹ But the railroads did not obey the law, and provision for enforcement was not adequate. The new tariffs, however, actually increased the rates.⁹² Several test cases grew out of this legislation — *Munn v. Illinois* being the first of the famous "Granger cases" to go to the Supreme Court. It was decided in favor of the State, as were the other cases.

The Illinois law of 1871 was inadequate but the Grange and other farmers' clubs grew rapidly, and in 1872 strong resolutions were passed by all of these calling for the enforcement of the law. As a result the State Senate, in January, 1873, ordered its railroad committee to study the problem, and the result was the passage of a new law on May 2, 1873.⁹³ This provided that there should be no discriminations and placed a penalty of from \$1000 for the

⁹⁰ Aldrich's *The Repeal of the Granger Law in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. III, pp. 256-270.

⁹¹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 131-136.

⁹² Editorial in *The Nation* (June 26, 1873), Vol. XVI, p. 425.

⁹³ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 145-149, 207.

first offense to \$25,000 for the fourth offense. The railroad commission was to fix such maximum rates as were reasonable. This was done and the rates were published, but the railroads ignored them. The result was a fight in the courts. Ten suits were instituted against the railroads for extortion, and these were finally decided in June, 1880, long after the uproar had subsided and rates had been adjusted. The railroad companies used all possible means to effect a repeal of this law. They obeyed it but made it appear as obnoxious as possible. In 1874, one hundred and three Chicago mercantile firms asked for its repeal and the legislature was besieged with petitions, asking the revision or repeal of this law. Nothing was done, however, and the law stood for several years longer, since the State as a whole favored regulation.⁹⁴

The Potter Law of Wisconsin was also an interesting piece of Granger legislation. In January, 1874, the State Grange of Wisconsin gave the reform party representatives who had won the control of the State legislature on the issue of the railroads its advice as to a new law for the State. Many bills resulted. Of these the Potter Law was finally passed. It was similar to the Iowa law, classifying the roads into three classes and fixing the rates accordingly. Four general classes of freight and seven special classes were recognized and the law stated that the rates of the four classes must not exceed the rates which were effective on June 1, 1873. A graduate maximum rate for the seven classes was provided.⁹⁵ C. R. Detrick has pointed out the effects of this law on Wisconsin. He says that no road paid a dividend the second year of its operation, railroad construction was at a standstill, rates were unremunerative,

⁹⁴ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 148-157.

⁹⁵ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 182-185.

and capital could not be secured.⁹⁶ *The Nation*, C. F. Adams, A. T. Hadley, and C. W. Pierson denounced its bad effects. The railroads also exerted every possible pressure to get the act repealed and accomplished their object on March 1, 1876.⁹⁷

In Minnesota the Grange was able in 1874 to effect the passage of a radical law modeled after the Illinois law, but this law did not fix maximum rates. Much dissatisfaction resulted as the roads cut their service to a minimum and made the law appear ridiculous. It was soon repealed.⁹⁸ Missouri also passed regulatory laws but they were of no great consequence. On the whole agitation for railroad regulation in other States proved ineffective.

The most important result of the Granger legislation was the establishment of various principles relative to State control of railroads by the decisions of the United States Supreme Court on the cases that came to it. In his book, *The Granger Movement*, Solon J. Buck points out five principles which were established: first, under the police power, the State can regulate any business which is public in its nature or has public interest to the extent of fixing maximum charges; second, warehouse business and the business of operating railroads is of a public nature and is subject to regulation; third, until Congress acts, the States have a right to regulate interstate commerce so far as its citizens are affected; fourth, charters do not interfere with the States' rights to regulate charges unless they contain stipulations to that effect, and charters are subject to reservations contained in the general law of the State or in State

⁹⁶ Detrick's *The Effects of the Granger Acts* in *The Journal of Political Economy* (March, 1903), Vol. XI, p. 237.

⁹⁷ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 193, 194.

⁹⁸ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 159-165.

constitutions; fifth, courts are not competent to pass on the reasonableness of charges fixed by the legislature, and the power of the State to regulate railroad rates is subject to no court restraints.⁹⁹ These principles have since been very important in State legislation.

From the Granger legislation the railroads of the country came to realize that they were serving the West and must be in sympathy with the West if they hoped to serve it effectively, that extortions and discriminations would not be tolerated, and that principles of justice and equity must prevail.¹⁰⁰ Thus the Granger legislation aided railroad development, even if at times it was somewhat radical and unwise.

CO-OPERATIVE EFFORTS OF THE GRANGERS

In the statement of purposes formulated at the National Grange session at St. Louis in December, 1874, the principle of coöperation among Grangers in business matters was asserted. "We shall endeavor . . . to foster co-operation" and "We propose meeting together, buying together, selling together" were some of its statements on this point.¹⁰¹ Coöperation was the most outstanding feature of the Granger movement next to the railroad question, and it, doubtless, was a strong factor in the appeal which the order made to the farmers. The farmers felt that the middlemen were robbing them both on grains and produce sold as well as on supplies bought, so that any plan to eliminate them and save their profits for the farmers made a strong appeal. From the beginning of the Granger movement this coöperative feature was prominent.

⁹⁹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 211, 212.

¹⁰⁰ Adams's *The Granger Movement* in *The North American Review* (April, 1875), Vol. CXX, pp. 423, 424.

¹⁰¹ Pierson's *The Rise of the Granger Movement* in *The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 202.

The Minnesota State Grange made coöperation an essential part of its work from the start. The Minnesota State Grange was organized on February 23, 1869, and two months later, without the sanction of the National Grange, it appointed a State Agent for the purchase of supplies and agricultural implements for patrons.¹⁰² This was the first step made toward coöperation and aroused considerable interest.

The first efforts of the Grangers toward coöperation were usually made through purchases from local dealers who would give special rates to Grange members for cash purchases. In some instances cards were issued to the Grangers to furnish a means of identification and Grangers were pledged to keep discounts secret. This system worked well for a time, but the Grangers soon felt that larger savings could be made by pooling purchases, so that an agent might send the combined order of all the Grangers of a community to a wholesale house that would give favorable discounts. This led to a further consolidation of purchases. In each county an agent was appointed to receive the orders for all the Granges in his county and to send these orders to dealers who submitted the lowest offers. The object was to get the largest possible discounts for bulk orders and cash payments, for the Grangers adopted the cash system. This method resulted in large savings and led to a further step — the appointment of a State Purchasing Agent.¹⁰³ This State Agent received bids from the wholesale houses, made contracts for purchases and informed the local Granges of these transactions by letter. The county agents then sent the orders, with cash, direct to the State Agent, and the companies shipped the goods direct to the people. If the

¹⁰² Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 46, 47.

¹⁰³ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 240, 241.

goods were imperfect or not as represented satisfactory settlement must be made or the State Agent would transfer the business to other concerns. Consequently the Grangers were well treated. Cash payments for all goods and purchases from the cheapest markets were the guiding principles. The home community and State were preferred, but purchases were made where the best terms could be made.¹⁰⁴ C. W. Pierson once said that "the craze for co-operation was like that for gold in 1848."¹⁰⁵

The coöperative efforts were not limited to the purchase of goods only. Coöperative selling was a big feature as well. Grain and live stock were the principal products for sale by western farmers and the chief market was Chicago. Western grain and live stock had to be sold to the commission men of the East, and the Grangers felt that here again they were not being fairly treated. To avoid this the Grangers selected an agent in Chicago and another in New York who agreed to receive all the grain and live stock sent by the Grangers and to sell it to the best advantage for a one per cent commission. This plan added several cents per bushel on grains and saved transshipping and storage charges.¹⁰⁶

To handle the grain and live stock to best advantage at the local points it was necessary to have elevators. The Grangers, therefore, soon began to take over the local elevators. Two or three Grangers would purchase or build an elevator, or a stock company of Grangers was formed for this purpose. The method of business was to buy grain outright or, if the member wanted to risk the market, to handle the goods at a commission of one and one-half cents

¹⁰⁴ Martin's *History of the Grange Movement*, pp. 478, 479.

¹⁰⁵ Pierson's *The Outcome of the Granger Movement in The Popular Science Monthly* (January, 1888), Vol. XXXII, p. 370.

¹⁰⁶ Martin's *History of the Grange Movement*, p. 481.

per bushel.¹⁰⁷ Hogs were shipped successfully, and some advocated that the Grangers should build their own packing houses but this was not done.¹⁰⁸

The success of the selling and purchasing plans led the Grangers, especially those of Iowa, to venture into manufacturing. Farm implements were bought at a big saving through the State Agent at Des Moines, but the Grangers conceived the idea of making their own implements. The State Agent of Iowa and a National Grange representative examined a harvester patented by John Werner of Wisconsin and recommended the purchase of the machine. A committee of Iowa Grangers also inspected it, declared it a good machine, and the State Grange in session in December, 1873, authorized its purchase, the vote being loudly applauded by the assembled delegates.¹⁰⁹ The machine was purchased for one thousand dollars and a royalty of two dollars on each machine manufactured.¹¹⁰ During the year 1874, 234 of the machines were manufactured and sold to Iowa farmers.¹¹¹ The machines, however, caused trouble and the State Agent reported that competent men could not be secured to repair them during the harvesting season.¹¹² The State Grange lost money on this venture, for they were involved in a dispute with the Marsh Harvester Company for infringements on patents.¹¹³ Other patents were bought

¹⁰⁷ Martin's *History of the Grange Movement*, p. 481.

¹⁰⁸ Martin's *History of the Grange Movement*, p. 482.

¹⁰⁹ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 57.

¹¹⁰ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 268.

¹¹¹ *Report of Proceedings of the Fifth Annual Session of the Iowa State Grange* (December 8-12, 1874), p. 22.

¹¹² *Report of Proceedings of the Fifth Annual Session of the Iowa State Grange* (December 8-12, 1874), p. 22.

¹¹³ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 269.

on all sorts of machines, cultivators, reapers, mowers, and the like but on these ventures too the Grange failed. Many of the members, fearing personal liabilities for debts, withdrew from the order.¹¹⁴ This began to undermine the Grange and was one cause for its rapid decline.

Iowa was the outstanding State in the matter of coöperation and the organization was perfected earlier than in most other States. In December, 1872, J. D. Whitman was appointed State Agent with offices in Des Moines. It was said that even before the appointment of an agent, one-third of the grain elevators and warehouses in the State were owned or controlled by Grangers, and that "five million bushels of grain and large numbers of cattle and hogs had been shipped direct to Chicago through Grange agents, upon which a saving of from ten to forty per cent had been effected."¹¹⁵ The year 1874 marked the peak of coöperative business of the Iowa Granges. In 1872 the State Agent reported:

The sales of stock; the lumber, groceries and dry goods, purchased indirectly; the many carloads of fruit sold; (fifteen to one party in one county) the direct introduction of trade to the Western States . . . will aggregate a large amount. How large, I am unable definitely to determine, but think it safe to say that it will exceed \$200,000.

The sales of sewing machines through this office directly (and this amount perhaps does not cover more than one half of the sewing machine business) amounts to \$8,069, at a saving of 45 per cent, amounting to \$3,631, leaving a balance saved of \$1,481, more than sufficient to cover the amount of contingent expenses of the agency.¹¹⁶

¹¹⁴ Pierson's *The Outcome of the Granger Movement in The Popular Science Monthly* (January, 1888), Vol. XXXII, pp. 368, 371.

¹¹⁵ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 243.

¹¹⁶ *Report of Proceedings of the Fifth Annual Session of the Iowa State Grange* (December 8-12, 1874), pp. 23, 24.

The Executive Committee of the Grange reported at the same session that the coöperative business for the year amounted to over \$5,000,000. The following purchases were made through the agency: farm implements totaling \$225,000 on which 27 per cent or \$60,750 was saved; family supplies amounting to \$445,612 on which 18 per cent was saved; lumber amounting to \$107,000 on which 15 per cent was saved. The following items were sold through the agency: farm produce amounting to \$3,234,000 on which 11 per cent or \$355,740 was gained and stock amounting to \$1,021,200 with a gain of 12 per cent or \$122,544. The committee further reported that fifty-three elevators and warehouses were owned and operated by members of the Grange at a saving of at least seven per cent.¹¹⁷ The report goes on to say: "Your Committee has been embarrassed in tabulating these returns, owing to the fact that from many counties no reports have been received, and from some others they were not so full as was desired; and it is probable that the above does not indicate one-half of the complete business of the State."¹¹⁸ This last statement is significant as it tends to show that the estimates of the Grangers were not exaggerated. But the Iowa Grangers had ventured too far and had endeavored to carry on business on too large a scale. The manufacturing of implements was a disastrous venture, and poor managers in the stores, elevators, and other agencies caused the speedy abandonment of the coöperative work. The proceedings of the State Grange in December, 1875, states that so few reports were received from the various business enterprises that it was impossible to make any statement as to the extent of business save

¹¹⁷ *Report of Proceedings of the Fifth Annual Session of the Iowa State Grange* (December 8-12, 1874), pp. 17, 18.

¹¹⁸ *Report of Proceedings of the Fifth Annual Session of the Iowa State Grange* (December 8-12, 1874), pp. 17, 18.

that they had saved "many thousands".¹¹⁹ The State Agent reported, however, that the "aggregate business for the past year amounted to \$300,000".¹²⁰ This was a tremendous decline from the five million dollar business of the previous year.

In other States coöperation did not fare as well as in Iowa. Illinois Granges carried on considerable business but there was competition with large companies that kept down the volume. Such large firms as Montgomery Ward and Company carried on the work the State Agents were supposed to do, and it was by this arrangement that the mail order houses became established.¹²¹ Minnesota, though it had a State Agent in 1869, was never able to do very much with the coöperative schemes.

The National Grange took part to some extent in the coöperative business. Three national purchasing agents were proposed with offices at New York, Chicago, and New Orleans respectively to serve the needs of the whole country.¹²² It was hoped by this method to concentrate the purchases of all the Granges and thereby save large amounts.¹²³ The National Grange also assisted in securing various patent rights and backed the establishment of coöperative stores on the Rochdale plan. The Anglo-American Coöperative Company was the result of National Grange negotiations with English coöperatives, whereby the Granges were to ship their raw products to England and receive in return

¹¹⁹ *Report of Proceedings of the Sixth Annual Session of the Iowa State Grange* (December 14-18, 1875), p. 12.

¹²⁰ *Report of Proceedings of the Sixth Annual Session of the Iowa State Grange* (December 14-18, 1875), p. 45.

¹²¹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 245-247.

¹²² Pierson's *The Outcome of the Granger Movement* in *The Popular Science Monthly* (January, 1888), Vol. XXXII, p. 368.

¹²³ Pierson's *The Outcome of the Granger Movement* in *The Popular Science Monthly* (January, 1888), Vol. XXXII, p. 368.

the finished products of England. This plan, however, was never carried out, due to the lack of funds on the part of the National Grange, since its treasury had been depleted in 1875 by the loan of \$50,000 to the State Granges.¹²⁴

The methods employed in the conduct of the local coöperative stores and elevators is well illustrated by the Patron's Mercantile Association of Waterloo, Iowa, which was organized on April 2, 1873, and did business for the Black Hawk County Granges until the middle of 1877.¹²⁵ It was organized as a stock company with a capital of \$1000 and sold shares at \$5 each with the provision that "no one shall take or hold more than 5 shares, nor shall any share or shares be disposed of to those who are not members of the Order of Patrons of Husbandry". Cash was the basis of operation, but was not strictly followed. The merchandise was sold to Patrons and their families at a profit not exceeding five per cent above cost, including freight and cartage, but in the case of non-members this was ten per cent and might be raised to fifteen per cent. Dividends were to be declared annually in money, or "semi-annually as deemed prudent". Liabilities were not to involve the private property of stockholders. The business was directed by a board of seven directors. The board hired a manager who could be removed by them at any time.

The business of this company is an example of the difficulties the coöperative stores and elevators met in general. The board, thinking of dividends and earnings only, hired cheap, inexperienced managers, who caused losses by their inefficiency. The stock did not sell as well as was anticipated, particularly after the first year, and from time to time the Association raised the limit on the amount of

¹²⁴ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 258, 260.

¹²⁵ Story taken from *Minutes of Patrons' Mercantile Association, Waterloo, Iowa* in the private library of L. B. Schmidt.

stock one individual could hold. In May, 1875, the board was directed to pay the debts of the Association and close out the business, but no satisfactory settlement could be made and the business continued. The Association then became involved in a lawsuit with one of its managers and the members lost interest. The directors were empowered to mortgage the goods, chattels, and credits of the Association to L. Farnworth and J. W. Laper who signed the appeal bond in the suit to secure them against loss.

The story of the Patron's Mercantile Association of Waterloo is similar to a number of the Grange coöperatives the failure of which was due largely to cheap managers and the desire to secure immediate dividends.

While the coöperative business was in existence, however, it saved the Grangers large sums of money. R. T. Ely says that it "has been claimed that co-operation saved its members twelve millions of dollars in one year."¹²⁶ E. W. Martin says that "not less than \$50,000 have been saved to the farmers of the State (Iowa) within a year, in the purchase of plows and cultivators alone."¹²⁷ Many thousands of sewing machines were bought at a saving of from 35 to 40 per cent, organs at 20 to 25 per cent, scales at 25 to 33 1/3 per cent, mowers at 25 per cent, and corn shellers at 15 per cent.¹²⁸ There is no doubt that these estimates are true.

The coöperative efforts disappeared as quickly as they came. Several reasons for this speedy failure may be given. The Patrons sought to make all their business fit the coöperative plan, thus creating an enterprise in a short time, too big to be well managed and organized. Inexperienced in business, the farmers were incapable of properly directing such extensive enterprises. They hired cheap

¹²⁶ Ely's *Labor Movement in America*, p. 177.

¹²⁷ Martin's *History of the Grange Movement*, p. 476.

¹²⁸ Martin's *History of the Grange Movement*, p. 477.

rather than efficient managers and emphasis was put on large savings while little thought was given to service, and too much was expected from the undertakings. Though cash payment was a principle, the farmers were poor and had to have credit. When Granger enterprises would not furnish this, the trade went to other merchants, and so business began to drop off. Impatience and distrust on the farmers' part were psychological influences undermining the experiment.

These coöperative efforts taught American farmers and business men several valuable lessons. It was seen that farmers could coöperate and so aid each other if distrust and impatience were eliminated. To hire a man to manage a business on the basis of cheap salary rather than business ability was found to be folly. That the farmers could be competitors was discovered to be true by the merchants, and in their future relations the farmers received more respect and attention. The farmers also gained much business experience.

THE GRANGE AND POLITICS

The Grange, according to its own statements, was non-political in character. Article twelve of its constitution stated that "religious and political questions would 'not be tolerated as subjects of discussion in the work of the order' ".¹²⁹ The same principle is contained in the "Declaration of Purposes of the National Grange" adopted at St. Louis.¹³⁰ But to achieve its purposes the Grangers were forced to use the ballot and finally to support specific candidates for office. At first the Grange exerted a very large influence by means of resolutions and petitions to legislative bodies, but when this method failed the next

¹²⁹ Editorial in *The Nation* (September 4, 1873), Vol. XVII, p. 153.

¹³⁰ Pierson's *The Rise of the Granger Movement in The Popular Science Monthly* (December, 1887), Vol. XXXII, p. 202.

resort was to hold conventions of farmers for the purpose of making public their demands and declaring for candidates who favored their views. Although the Grange never formed an independent party, it fused its power with that of the party favoring it and helped to elect candidates in sympathy with the Grange. An example of this is seen in the fusing of the Farmers' Anti-Monopoly party in Iowa, which was made up of Grangers, with the Democratic party in 1873, thereby cutting down a Republican majority of 60,000 to 20,000. The only reason why the Republicans were not defeated that year was the fact that Governor Cyrus C. Carpenter was a Patron and stood for railroad legislation.¹³¹ In Wisconsin, a combination of Grangers with the railroad and liquor interests defeated the Republicans and won all offices.¹³² The explanation made by the Grange as to its political activities is illustrated by the Wisconsin State Grange. They declared themselves non-political but said every Grange member must act in two capacities, as a Granger and as a citizen. As citizens the Wisconsin Granges published the following resolution: "The farmers will support no man for office who has ever been guilty of receiving retrospective increase of salary for public service, or received an advance in salary by the Act of March 3, 1873."¹³³

The linking up of the Grange with Anti-Monopoly and Reform parties resulted in much legislation favorable to farmers. Agricultural interests, such as boards of agriculture in the States and a Federal Department of Agriculture whose head was a cabinet member, agricultural education with emphasis on rural schools and agricultural

¹³¹ Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), pp. 89-91.

¹³² Buck's *The Granger Movement* (*Harvard Historical Studies*, Vol. XIX), p. 92.

¹³³ Editorial in *The Nation* (September 4, 1873), Vol. XVI, p. 153.

colleges, the collection of agricultural data and the work of advancing agriculture through experiment stations were given much attention. Legislation was secured which brought about the regulation of corporations, lower interest rates, reduction of transportation costs, new patent laws, and economy in government administration.¹³⁴ In 1876, the National Grange entered the political field far enough to draw up resolutions touching subjects upon which legislation was desired. These were passed on to State Granges and from there to the local organizations from which letters were sent to Congressmen. A lobby committee also represented the National Grange.

The political activities of the Granges brought much criticism upon the order. In Illinois the Grange brought about the removal of Judge C. B. Lawrence of the Supreme Court because a decision as to the railroads did not suit them. In his place they elected Judge A. M. Craig who was pledged to decide the matter in favor of the Grangers. This brought forth a great deal of criticism. In discussing this question *The Nation* said: "A judge who takes a nomination under the conditions imposed by the Illinois Grangers is necessarily a base man, and deliberately prepares himself for perjury. . . . That the first move against a gross abuse should take the shape of another and still grosser abuse, is very disheartening".¹³⁵ In another article *The Nation* declared that up to the time of Judge Lawrence's defeat, the Granger movement was a genuine one but from then on the politicians had captured the movement. It contended that the Princeton, Illinois, convention was under the control of "dead-beats and scalawags" who selected a man to serve

¹³⁴ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 108-120.

¹³⁵ Editorials in *The Nation* (May 15, June 12, 1873), Vol. XVI, pp. 329, 330, 398.

their purpose.¹³⁶ It was said that at a Grange convention in the Astor House in New York "real farmers were not there", but rather "broken down politicians, professional philanthropists, and experimental farmers".¹³⁷

Efforts were continually made by politicians to get the support of the Grange. *The Nation* said: "One prominent politician, General Samuel F. Cary is said, by his enemies, to be practicing sleeping on a hay-mow; another is vigorously at work with a reaping machine; and a third, Mr. Ignatius Donnelly, is said to be tramping up and down his State in homespun 'hickory' trowsers and without stockings."¹³⁸ This relationship between the Grange and inferior politicians discredited the movement with many people and contributed to its sudden breakdown. The newspapers of Kansas pointed out that noted corruptionists were in control of the Grange in that State, and because of this, the movement was doomed there. As a result, it was said, "loud complaints are made among those who have been honestly supporting the Grangers that 'the old played-out politicians and office-seekers have pre-empted and ruined their movement.'"¹³⁹

THE GRANGE AS A SOCIAL, EDUCATIONAL, AND CHARITABLE ORGANIZATION

The Grange was organized primarily as a social and educational order. But the social and educational work was entirely overshadowed by the transportation, business, and political activities and as a result not much emphasis was placed upon these aspects of the order. One can not measure, however, the social and educational benefits coming

¹³⁶ Editorial in *The Nation* (May 15, 1873), Vol. XVI, pp. 329, 330.

¹³⁷ Editorial in *The Nation* (May 15, 1873), Vol. XVI, p. 330.

¹³⁸ Editorial in *The Nation* (July 31, 1873), Vol. XVII, p. 65.

¹³⁹ Editorial in *The Nation* (October 30, 1873), Vol. XVII, p. 282.

from the Grange. The farmer's life of that day was isolated and monotonous, and the farmer's social instincts found little opportunity for expression. He became self-centered and individualistic, prone to look at others with extreme disgust. In the monthly and weekly meetings of the Grange the social instincts were brought into play through games, conversation, business matters, picnics, and festivals. E. W. Martin's statement that "It is the best means that has yet been devised of cultivating social relations among them" is no doubt true and he claims that "in its social aspects, it is a perfect success."¹⁴⁰ Grange meetings brought people together from all parts of a county. The newspapers of Dubuque County, Iowa, printed the following notice which was similar to others in all the western Grange States: "Delegates of the several Granges of Dubuque County, Iowa, met at Rockdale on the 8th, and arranged for a monster basket picnic at Epworth on the 17th".¹⁴¹ Such picnics and social affairs played a large part in socializing the farmers. The State Grange brought farmers together from every county and all the meetings tended to give the farmers a broader social outlook.

The Grange was also an educational order. One of its slogans was "Education", and the farmers reasoned that if they became educated others could not take advantage of them.¹⁴² They arranged educational programs with public speaking, discussed vital subjects of the day, and studied parliamentary law. Reading was encouraged and libraries were established. The reading of agricultural papers was advocated. Emphasis was laid on the education of children, and higher schools such as agricultural colleges and

¹⁴⁰ Martin's *History of the Grange Movement*, p. 450.

¹⁴¹ Martin's *History of the Grange Movement*, p. 457.

¹⁴² Paine's *The Granger Movement in Illinois* (*University of Illinois Studies*, Vol. I, No. 8), p. 46.

high schools were advocated.¹⁴³ The Granges conducted fairs and devoted time to scientific agriculture. As part of the educational work and to acquaint farmers with crop conditions, a system of crop reports was established. The Iowa State Grange at its session in 1875 adopted a resolution asking that, on the first of each month of the harvesting and growing months, members of sub-granges send reports of crop conditions to the Secretary of the State Grange on blanks furnished for the purpose. The Secretary was to classify these and give them to the agricultural papers.¹⁴⁴ As a result a crop reporting system was worked out that was said to excel in accuracy that of the government. Agricultural information was also sent out as a part of Grange educational work. Frank Leslie's illustrated newspaper said that over 500,000 tracts were issued to the farmers by the National Grange in 1872.¹⁴⁵ By such methods the Grange endeavored to make better farmers.

Charitable work was also carried on as a Grange activity. In 1874 when the Mississippi flood caused much damage in Louisiana and Alabama the Grange engaged in considerable relief work.¹⁴⁶ In Iowa, Minnesota, Kansas, Nebraska, and Dakota much was done to relieve needy families made destitute by the grasshopper plagues. At its session in 1873, the Iowa State Grange made plans to provide for 980 families made destitute by the grasshoppers in northwestern Iowa.¹⁴⁷ Other States did likewise. The Grange was a

¹⁴³ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), pp. 291, 292.

¹⁴⁴ *Report of Proceedings of the Sixth Annual Session of the Iowa State Grange* (December 14-18, 1875), p. 51.

¹⁴⁵ Martin's *History of the Grange Movement*, p. 462.

¹⁴⁶ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 283.

¹⁴⁷ *Report of Proceedings of the Fourth Annual Session of the Iowa State Grange* (December 9-15, 1873), p. 63.

fraternal order and brotherly kindness was one of its principles. Much individual help in the harvesting of crops was offered by Grangers to sick or unfortunate brothers.¹⁴⁸

DECLINE OF THE GRANGE

The Grange reached its highest point in membership in 1875. It is estimated that at that time there were 22,000 subordinate Granges¹⁴⁹ with 858,000 members,¹⁵⁰ and the National Grange received \$43,000 in dues.¹⁵¹ After 1875, however, the Granger movement experienced a very rapid decline until it is estimated that in 1880 only 4000 Granges still existed with 124,420 members¹⁵² while the National Grange received only \$6000 in dues.¹⁵³ This status was maintained until the year 1900, the membership varying a few thousand from year to year. The following quotation from the Master's address at the Iowa State Grange session on December 13, 1892, describes the Grange condition in Iowa after it began to decline:

We neglected our meetings, and allowed one Grange after another to become dormant, or drop out of existence, until the time came when our grand Order was almost extinct in a State where it was first, and where it had been so triumphant, and this has been our deplorable condition for years. For years we have scarcely been able to say that we have a state organization. While we have lived, it has been a sort of lifeless life.¹⁵⁴

This describes the condition of the Grange in all the west-

¹⁴⁸ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 285.

¹⁴⁹ Schmidt's *Lessons from the Granger Movement in The Prairie Farmer*, Vol. XCIII, p. 356.

¹⁵⁰ Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 350.

¹⁵¹ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 70.

¹⁵² Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 350.

¹⁵³ Buck's *The Granger Movement* (Harvard Historical Studies, Vol. XIX), p. 70.

¹⁵⁴ *Report of Proceedings of the Twenty-third Annual Session of the Iowa State Grange* (December, 1892), p. 6.

ern States at this time. The decline of the Grange throughout the United States is shown by Table II.

TABLE II

YEAR	TOTAL MEMBERSHIP ¹⁵⁵ IN UNITED STATES	NO. OF GRANGES IN IOWA ¹⁵⁶
1875	858,050	1838
1880	124,420	
1881	151,040	
1882	137,165	
1883	122,960	
1884	111,472	
1885	117,620	8
1886	109,763	15
1887	118,341	36
1888	109,526	40
1889	106,782	37
1890	135,461	52
1891	139,920	31
1892	145,331	25

What caused this sudden and seemingly permanent decline of the Grange in the West? As we have considered the various phases of Grange activities we have pointed out here and there some of these causes. To summarize we may say that the Grange failed for five reasons: first, its business failures due to incompetent management caused the enthusiasm of the members to subside since it did not continue its great savings; second, overestimation of benefits to be derived through legislation, which proved unwise, dis-

¹⁵⁵ Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 350.

¹⁵⁶ Compiled from the annual reports of the proceedings of the National Grange and of the Iowa State Grange.

credited the order; third, its rapid growth and lack of leadership made impossible the proper assimilation and guidance of such a large number of Granges and members; fourth, inner strife and jealousy created distrust and dissatisfaction between the various Granges and between them and the National Grange; and fifth, the Granges were corrupted by politicians and others, who were "interested in agriculture as the hawk is interested in the sparrow".

ACHIEVEMENTS OF THE GRANGE

In an article on the Grange published in 1901 Kenyon L. Butterfield said: "The Grange has accomplished more for agriculture than has any other farm organization."¹⁵⁷ This statement is true as related to the economic phases of farm life for no organization has taught the farmer more concerning the value of cash and coöperative dealing, and the worth of organized effort in economic matters.

The statement is also true in regard to the social life of the farmer. The Grange offered the farmer the best opportunity to express himself socially he has ever received and its activities were not limited to the men of the farms but included the women and children. "Each local body, with its frequent meetings in the neighboring school-house, was an institute of husbandry and domestic economy. The young people, as well as farmers and their wives, attended the meetings and participated in the exercises. . . . The meetings of the grange distinctly improved the moral, social, and intellectual life of the rural community."¹⁵⁸ Isolation was overcome and the farmers became acquainted.

Butterfield's statement is also true of the legislative achievements of the Grange. The Granger movement brought about the establishment of the United States De-

¹⁵⁷ Butterfield's *The Grange* in *The Forum* (1901), Vol. XXXI, p. 232.

¹⁵⁸ Shaw's *Coöperation in the Northwest* in *Johns Hopkins University Studies in Historical and Political Science*, Vol. VI, p. 335.

partment of Agriculture whose head was a cabinet member, thus giving agriculture a representative at Washington. It effected the establishment of agricultural colleges and experiment stations, thus making higher education possible for those needing scientific training in agriculture. It also aided tax reform.

STATUS OF THE GRANGE TO-DAY

Kenyon Butterfield said in 1901 that the popular impression that the Grange was dead must be revised. Not only was the Grange at that time an active organization, but it had more real influence than it had ever had before.¹⁵⁹ Since this article of Butterfield's was written the Grange has grown rapidly, but its sphere of influence is not in the West, as it was in the seventies, but rather in the East. In 1901, New York reported 550 Granges with 43,000 members, Pennsylvania 526 Granges with 20,000 members, Maine 275 Granges with 29,000 members, New Hampshire 260 Granges with 24,000 members, and Michigan 420 Granges with 25,000 members.¹⁶⁰ In 1909 the Grange was strongest in New York, Ohio, Maine, Massachusetts, and New Hampshire. In the Central West, Kansas is now the strongest Grange State, ranking seventh, while Iowa, Missouri, Illinois, Nebraska, and Minnesota, the leading States in the early days, are represented by only a few Granges.¹⁶¹ It would seem, therefore, that the Grange, although very much more conservative in its policies to-day, is not able to get a foothold in those States where agriculture is the chief industry — and once were Grange strongholds.

The membership of the Grange to-day numbers more than 500,000 members. The membership for the five year pe-

¹⁵⁹ Butterfield's *The Grange* in *The Forum* (1901), Vol. XXXI, p. 232.

¹⁶⁰ Butterfield's *The Grange* in *The Forum* (1901), Vol. XXXI, p. 233.

¹⁶¹ *Journal of the Proceedings of the National Grange*, 1909, p. 23.

riods from 1875 to 1915 has varied as follows: 1875, 858,050; 1880, 124,420; 1885, 117,620; 1890, 135,461; 1895, 179,247; 1900, 187,482; 1905, 284,646; 1910, 425,033; 1915, 540,085.¹⁶²

From 1911 to 1919, 3610 Granges were organized or re-organized, an average of 451 each year. Twenty-nine States were represented at the National Grange session in 1919 and of these, thirteen were eastern States, ten central States, and six far western States.

The work of the Grange to-day may be seen from a list of the committees at work at the 1919 meeting of the National Grange. Among the subjects represented were agriculture, coöperation, education, home economics, insurance, postal improvement, public highways, taxation, transportation, and equal suffrage. The legislative work is the most important phase of the National Grange to-day, the purpose being to obtain favorable legislation by Congress on subjects of importance to farmers.¹⁶³

The local and State Granges are chiefly interested in social and educational work, with some emphasis on coöperation. Insurance companies formed by Grangers are of importance in the East. In New York forty-one of the one hundred and twelve mutual fire insurance companies are under Granger auspices and they have outstanding policies amounting to \$100,000,000 at a cost per \$1000 of \$1.09.¹⁶⁴ The Grange of to-day is carrying out the social and educational policies of the originators of the order, which were so completely overshadowed in the earlier days by the problems of transportation, coöperation, and politics.

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¹⁶² Atkeson's *Semi-Centennial History of the Patrons of Husbandry*, p. 350.

¹⁶³ *Journal of the Proceedings of the National Grange*, 1919, pp. 7, 8, 10, 11.

¹⁶⁴ Butterfield's *The Grange in The Forum* (1901), Vol. XXXI, p. 240.

THE FRAMERS OF THE CONSTITUTION OF 1857

The admission of Iowa into the Union as a State under the Constitution of 1846 was the consummation of a hope long entertained by many inhabitants of that Territory. Yet there was a large element, mostly Whigs and conservative Democrats, who were dissatisfied with the Constitution of 1846, chiefly because of the eighth article which prohibited the establishment of banks.

Manifestations of discontent began to appear shortly after the ratification of the Constitution. It was asserted that many had voted for ratification merely as a matter of expediency: they wished to get Iowa into the Union and therefore accepted the Constitution with the hope that its objectionable articles would be amended within a short time. The discontent was voiced in newspapers, in the General Assemblies, and on the platform, but to no effect until 1855. By this time the situation had become serious: gold and silver had become scarce and the State had been flooded with depreciated paper currency from other States.¹

Governor James W. Grimes, who took office in December, 1854, favored submitting the question of revision or amendment of the Constitution to the people and a bill providing for a referendum on the subject was passed by the Fifth General Assembly and approved by the Governor on January 24, 1855. In accordance with this act, an election was held on the first Monday of August, 1856. The result of this proved favorable to a convention, and in a proclamation dated September 10, 1856, Governor Grimes ordered

¹ Shambaugh's *History of the Constitutions of Iowa*, pp. 319-335.

that an election be held in the November following for the purpose of choosing delegates to a convention.²

The act of January 24, 1855, had designated that the number of delegates elected should correspond to the number of Senators in the General Assembly and specified that the delegates must possess the qualifications of Senators. Thirty-six delegates were therefore elected from the thirty-four districts which were composed as follows: First — Lee County; Second — Lee and Van Buren counties; Third — Van Buren County; Fourth — Des Moines County; Fifth — Davis County; Sixth — Jefferson County; Seventh — Henry County; Eighth — Wapello County; Ninth — Clarke, Lucas, and Monroe counties; Tenth — Decatur, Wayne, and Appanoose counties; Eleventh — Union, Ringgold, Adams, Taylor, Montgomery, Page, Mills, and Fremont counties; Twelfth — Buncombe (now Lyon), Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Osceola, O'Brien, Cherokee, Ida, Crawford, Shelby, Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Emmet, Palo Alto, Pocahontas, and Calhoun counties; Thirteenth — Louisa County; Fourteenth — Washington County; Fifteenth — Keokuk County; Sixteenth — Mahaska County; Seventeenth — Marion County; Eighteenth — Warren, Madison, Adair, and Cass counties; Nineteenth — Muscatine County; Twentieth — Iowa and Johnson counties; Twenty-first — Scott County; Twenty-second — Cedar County; Twenty-third — Clinton County; Twenty-fourth — Linn County; Twenty-fifth — Linn, Buchanan, Black Hawk, and Benton counties; Twenty-sixth — Tama, Poweshiek, Marshall, and Jasper counties; Twenty-seventh — Polk, Dallas, and Guthrie counties; Twenty-eighth — Jackson

² Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 217-222; Shambaugh's *History of the Constitutions of Iowa*, pp. 334, 335.

County; Twenty-ninth — Jackson and Jones counties; Thirtieth — Dubuque County; Thirty-first — Dubuque and Delaware counties; Thirty-second — Clayton County; Thirty-third — Fayette, Bremer, Butler, Grundy, Franklin, Hardin, Wright, Webster, Greene, Boone, and Story counties; Thirty-fourth — Allamakee, Winneshiek, Howard, Mitchell, Worth, Winnebago, Kossuth, Hancock, Cerro Gordo, Floyd, and Chickasaw counties.³

That the men who assembled at Iowa City on January 19, 1857, did their work well is attested by the fact that the Constitution which they drafted has now endured for two-thirds of a century, during which time it has been amended only six times.⁴ But this does not signify that the framers of the Constitution of 1857 were an especially brilliant group of men. Concerning the Federal Convention of 1787, a contemporary said, "twenty assemblies of equal number might be collected equally respectable both in point of ability, integrity, and patriotism".⁵ This statement in modified form would be applicable to the Iowa Convention of 1857, for, without doubt, several groups of like calibre could have been assembled in the State at the time. The delegates were drawn from the ranks of the people and few of them had attained prominence outside of their own counties.

Of the thirty-six members of this Convention, only four had participated in the territorial government. Edward Johnstone of Fort Madison had served in the territorial House of Representatives during its second session, had

³ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 219-221; Shambaugh's *Assembly Districting and Apportionment in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. II, pp. 554-559; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 4.

⁴ Shambaugh's *The Constitution of the State of Iowa*, p. 16.

⁵ Farrand's *The Fathers of the Constitution*, p. 117.

been a member of the Council during its third and fourth sessions, and had acted as District Attorney in 1845 and 1846. William Patterson of Keokuk had been a member of the first, second, fourth, and eighth sessions of the territorial House of Representatives and of the fifth and sixth Councils. Francis Springer of Louisa County had attended the third, fourth, fifth, and sixth Councils, while David Bunker of Washington County had been a member of the fifth territorial House of Representatives.⁶

Nor had the experience of the members in the State government been extensive. David Bunker had been a member of the lower House of the Third and Fourth General Assemblies; M. W. Robinson of Burlington had attended the third session of the House; John A. Parvin of Muscatine had served in the third House of Representatives; Amos Harris of Centerville had been a Senator in the Fourth Assembly; and Francis Springer had served in the Senate of the First and Second General Assemblies.⁷

Jonathan C. Hall of Burlington had been a Judge of the Supreme Court in 1854 and 1855. He was the only member of the Convention of 1857 who had had previous experience in framing a constitution, for he had been a prominent member of the Convention of 1844.⁸ John Edwards of Lucas County had served in the Indiana legislature from 1845 to 1849, but had held no office in Iowa.⁹ William Penn Clarke of Iowa City was at the time Reporter of the Supreme Court.¹⁰

These ten were the only ones who had held offices outside of their own counties prior to 1857 and the number who

⁶ *Iowa Official Register*, 1921-1922, pp. 56-59.

⁷ *Iowa Official Register*, 1921-1922, pp. 62-104.

⁸ *Iowa Official Register*, 1921-1922, p. 124; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 405-415.

⁹ Brigham's *Iowa, Its History and Its Foremost Citizens*, Vol. I, p. 394.

¹⁰ *Iowa Official Register*, 1921-1922, p. 126.

received political preferment outside of their own communities after the Convention was not much larger. Those who subsequently served in the General Assembly one or more sessions were Squire Ayers of Van Buren County, John Edwards who was Speaker of the House in the Eighth General Assembly, Aylett R. Cotton of Clinton County who was Speaker of the House in the Thirteenth General Assembly, Hiram D. Gibson of Marion County, Jonathan C. Hall of Burlington, M. W. Robinson, John A. Parvin, Thomas Seeley of Guthrie County, James F. Wilson of Jefferson County, and James A. Young of Oskaloosa. Francis Springer served as District Judge from 1858 to 1869.

Only two members went to Congress: James F. Wilson was a member of the national House of Representatives from 1861 to 1869 and a United States Senator from 1883 to 1895 while Aylett R. Cotton was a member of the House of Representatives for two terms from 1871 to 1875.¹¹

A comparison of the personnel of the three Constitutional Conventions of 1844, 1846, and 1857 reveals some interesting facts. Of the seventy-two delegates who participated in the Convention of 1844, fifty-one were Democrats and twenty-one were Whigs. Ten were natives of New England, twenty-three of the Middle States, twenty-six of the slave States, ten of the States of the Old Northwest, one of Germany, one of Scotland, and one of Ireland. The average age of the delegates was forty years, the oldest member being sixty-six and the youngest twenty-seven. There were forty-six farmers, nine lawyers, five physicians, three merchants, two mechanics, two miners, two millwrights, one printer, one miller, and one civil engineer.¹²

¹¹ *Iowa Official Register*, 1921-1922, pp. 62-104, 131-136.

¹² Shambaugh's *History of the Constitutions of Iowa*, pp. 183-184; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 405-410.

The thirty-two delegates who composed the Convention of 1846 included twenty-two Democrats and ten Whigs. Eight were New Englanders, four were from the Middle States, fifteen from the South, and five from Ohio. The average age was thirty-seven years, the oldest member being sixty-seven and the youngest twenty-three. Among the delegates were thirteen farmers, seven lawyers, four merchants, four physicians, one mechanic, one plasterer, one smelter, and one trader.¹³

In the Convention of 1857 there were thirty-six delegates, twenty-one Republicans and fifteen Democrats. Six were natives of New England, eleven of the Middle States, ten of the slave States, and nine of the Middle West. To carry the analysis further, three of the delegates were from Connecticut, two from Maine, one from Massachusetts, seven from New York, one from New Jersey, three from Pennsylvania, one from Maryland, four from Virginia, four from Kentucky, one from Tennessee, seven from Ohio, and two from Indiana. In regard to occupation, the Convention of 1857 included eleven farmers, fourteen lawyers, one farmer and engineer, one mail contractor, two real estate dealers, one druggist and bookseller, one bookseller, and two bankers. The average age of the delegates was forty years, the oldest member being fifty-six and the youngest twenty-six. Two members had been in the State only two years, while one had been a resident of Iowa for twenty-three years. The average length of residence in the State was ten and two-thirds years.¹⁴ Data concerning the various delegates is given in Table I.

¹³ Shambaugh's *History of the Constitutions of Iowa*, pp. 292, 293; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 413-415.

¹⁴ Shambaugh's *History of the Constitutions of Iowa*, pp. 336, 337; McClain's *The Constitutional Convention and The Issues Before It in the Proceedings of the Fiftieth Anniversary of the Constitution of Iowa*, pp. 166, 167; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 4.

TABLE I

DATA CONCERNING THE DELEGATES TO THE CONSTITUTIONAL CONVENTION OF 1857 ¹⁵									
NAMES	PARTY	DISTRICT	POST OFFICE TOWN	COUNTY	NATIVITY	OCCUPATION	AGE	YEARS IN IOWA	
AYERS, SQUIRE	D	II	Bonaparte	Van Buren	Pennsylvania	Farmer	56	—	
BUNKER, DAVID	R	XIV	Richmond	Washington	Indiana	Farmer	46	17	
CLARK, JOHN T.	R	XXXIV	Waukon	Allamakee	New York	Lawyer	40	3	
CLARKE, RUFUS L. B.	R	VII	Mt. Pleasant	Henry	Connecticut	Lawyer	37	6	
CLARKE, WILLIAM PENN	R	XX	Iowa City	Johnson	Maryland	Lawyer	39	12	
COTTON, AYLETT R.	D	XXIII	Lyons	Clinton	Ohio	Lawyer	30	12	
DAY, TIMOTHY	D	III	Winchester	Van Buren	Ohio	Farmer	53	12	
EDWARDS, JOHN	R	IX	Chariton	Lucas	Kentucky	Lawyer	42	3	
ELLS, GEORGE W.	R	XXI	Davenport	Scott	Connecticut	Bookseller	48	2	
EMERSON, J. H.	D	XXX	Dubuque	Dubuque	Virginia	Real Estate Dealer	49	16	
GIBSON, H. D.	D	XVII	Knoxville	Marion	Tennessee	Merchant	37	12	
GILLASPY, GEORGE	D	VIII	Ottumwa	Wapello	Kentucky	Farmer	42	16	
GOWER, ROBERT	R	XXII	Gower's Ferry	Cedar	Maine	Farmer	53	16	
GRAY, HOSEA W.	R	XXIV	Marion	Linn	Pennsylvania	Farmer	40	19	
HALL, JONATHAN C.	D	IV	Burlington	Des Moines	New York	Lawyer	47	18	
HARRIS, AMOS	D	X	Centerville	Appanoose	Ohio	Lawyer	34	8	
HOLLINGSWORTH, JEREMIAH	R	XV	Richland	Keokuk	Indiana	Farmer	47	16	

¹⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, p. 4.*

Such was the personnel of the Convention which began its sessions on January 19, 1857, in the Supreme Court room in the northeast corner of the Old Capitol at Iowa City. The Convention was called to order by Hosea W. Gray of Linn County, thirty-three delegates being present. Mr. Gray nominated John A. Parvin for chairman *pro tem*, and after he had been elected the other temporary officers were chosen. At this time a clergyman was introduced to offer prayer.

The attitude of the members of this Convention toward prayer, it may be said, was radically different from that of the members of the two previous conventions and affords an insight into their character. In the Convention of 1844 a resolution providing for an opening prayer each morning was, after much debate, indefinitely postponed, while in the Convention of 1846, prayer was offered only at the first session. The Convention of 1857, however, authorized the President to secure a Chaplain and on January 22, 1857, the Reverend Alpha J. Kynett of Iowa City was approved for the office. Each day's session was opened with prayer offered either by the official Chaplain or by a substitute.¹⁶

In this connection an incident should be mentioned which affords further insight into the character of the delegates. On January 30th, on motion of Lewis Todhunter, the Convention agreed to prohibit all smoking in the Convention chamber during its sittings.¹⁷

After the chairman *pro tem* had appointed a Credentials Committee, with Rufus L. B. Clarke of Henry County as chairman, and a committee headed by George W. Ells of Davenport to consider invitations to meet at Dubuque and

¹⁶ *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 4, 27, 30; Shambaugh's *History of the Constitutions of Iowa*, pp. 183-193, 293, 294.

¹⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 115.

Davenport, the first session of the Convention adjourned.¹⁸ On the following morning the Credentials Committee reported thirty-five qualified members present. John H. Peters of Delaware County, representing the Thirty-first District, did not appear until the third day.¹⁹

After the report of the Credentials Committee had been adopted, the Convention proceeded to perfect its permanent organization. The Republicans had held a party caucus on the evening preceding the first meeting of the Convention and had drawn up a slate of officers.²⁰ Francis Springer, the Republican candidate for President of the Convention, was elected by a vote of twenty to thirteen over the Democratic candidate, Jonathan C. Hall. After the new President had been conducted to his seat by two members he made a brief address in which he expressed thanks for the honor and urged the coöperation of all in carrying on the work of the Convention. He continued:

With us, the "Sovereignty of the People" is a conceded axiom. We are the representatives of that sovereignty, charged with the duty, and clothed with the power, of revising their organic law. I am sure I need not remind the intelligent members of this Convention of the high responsibility of this trust

That this great trust will be performed by the members of this Convention, wisely and well, I entertain no doubt, meeting the just expectations of an enlightened constituency, and imparting fresh vigor and vitality to the advancing steps of our noble young State in her career to the high destiny which lies before her.²¹

The choice of Francis Springer as President was a good

¹⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 5.

¹⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 6, 20.

²⁰ *Recollections of Judge Francis Springer in the Annals of Iowa* (Third Series), Vol. II, pp. 583, 584.

²¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 6, 7.

one. His picture shows him to have been a man of impressive personality, with a high, broad forehead, keen eyes, a rather prominent nose, a wide mouth, and a jaw indicative of firmness. His face was framed in the heavy beard, so common at that time. Although the list of members accompanying the official debates of the Convention indicates that his occupation was given as that of a farmer, he would more properly have been listed as a lawyer.

Born in Maine in 1811, Mr. Springer secured his education in the district school, taught school for a time, and then studied law. In 1838 he migrated westward and located at Wapello in Louisa County, Iowa, being the first lawyer in the new county. His experience in public life had been more extensive than that of any other delegate in the Convention of 1857. Not only had he served four years in the territorial Council and a like period in the State Senate, but other experiences added to his qualifications as presiding officer of the Convention.

In 1849 and 1850 he acted as special agent for the Post Office Department and from 1851 to 1853 he served as Register of the United States Land Office at Fairfield, Iowa. In 1854 he was elected Prosecuting Attorney of Louisa County and the next year was chosen District Judge. The following year he was one of Iowa's delegates to the Republican National Convention at Philadelphia.²² The journal and the record of the debates of the Convention of 1857 show that he made an efficient presiding officer.

After the election of the President, the Convention proceeded to complete its permanent organization by electing the officers who had been chosen *pro tem* the previous day. In each case the candidate of the Republicans was elected

²² *Recollections of Judge Francis Springer* in the *Annals of Iowa* (Third Series), Vol. II, pp. 569-585; Guo's *History of Iowa*, Vol. IV, pp. 248, 249. An album containing pictures of the members of the Convention of 1857 is in the possession of the State Historical Society of Iowa.

over the Democratic candidate by a party vote. Thomas J. Saunders, a physician from Davenport, was elected Secretary; Ellsworth N. Bates, a lawyer from Cedar Rapids, was chosen Assistant Secretary; S. C. Trowbridge, who was a druggist and merchant in Iowa City, and had been a colonel of the territorial militia, was elected Sergeant-at-Arms; Francis Thompson, a stonecutter of Iowa City, was made Doorkeeper; and James Hawkins and George Clearman were named First Messenger and Second Messenger, respectively. A special committee, headed by Rufus L. B. Clarke of Henry County, was appointed to secure a Reporter. On the recommendation of this committee, W. Blair Lord, a professional reporter from Baltimore, Maryland, was given the position. None of the officers except the President were delegates to the Convention.²³

As soon as the officers had been elected it was moved by Lewis Todhunter, the delegate from Warren County, that the members take an oath to support the Constitution of the United States. The attempt of Harvey J. Skiff of Jasper County to amend the motion so as to include an oath to support the Constitution of Iowa aroused some debate. Finally the sentiment of Jonathan C. Hall of Des Moines County prevailed and the original motion was adopted. Hall's argument was as follows:

I understand that we come here for the very purpose of altering and violating the Constitution of the State of Iowa, and I do not therefore, feel that I can take the oath to support that Constitution.²⁴

Another matter which claimed the attention of the delegates was that of a meeting place. Invitations extended by

²³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 4, 7-12; Col. S. C. Trowbridge in the *Iowa Historical Record*, Vol. II, pp. 529-534.

²⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 8, 9.

Dubuque and Davenport to meet in those cities were referred to a special committee headed by George W. Ells of Davenport but including in its membership J. H. Emerson of Dubuque and William Penn Clarke of Iowa City. This committee presented a report on the second day of the Convention to the effect that it was "inexpedient to accept of either of these invitations, at the present time", but a motion by Ells to substitute "we deem it expedient to accept one of those invitations at this time" prevailed in the Convention by a vote of twenty-two to twelve.

A rather heated debate followed, which brought out the fact that the members were dissatisfied with the accommodations afforded in Iowa City. It was asserted that the citizens showed no hospitality and that half of the delegates had to sleep three in a bed. Complaint was also made of the unsatisfactory meeting place. Others, who opposed removal, upheld the hospitality of Iowa City and attributed the overcrowded condition to the fact that the legislature was still in session. Several delegates said they had not found the conditions crowded.

Unable to agree as to which city the Convention should be moved to, the consideration of the subject was postponed until January 21st.

When the matter was again brought up, William Penn Clarke of Iowa City presented an invitation to the Convention to meet in either the Masonic Hall or the Odd Fellows' Hall. It was then moved to postpone indefinitely the matter of removal from Iowa City, a motion which carried by a vote of twenty to sixteen. Thus the Convention was saved for Iowa City. While a committee was investigating the halls named, the Convention adopted a resolution to continue meeting in the Supreme Court room until otherwise ordered. George Gillaspie of Ottumwa, who introduced the resolution, said:

I offer this resolution because upon reflection I have become satisfied that it will be very inconvenient for the many fat gentlemen we have in this body to be climbing up and down the stairs of either of the halls offered for our use in this city.

Later William Penn Clarke attempted to have the discussion on the subject of the proposed removal omitted from the reports of the debates, offering as an excuse that it would save expense. But the majority of the delegates favored full publicity and his motion failed. The dissatisfaction in regard to the meeting place was removed when the Convention began meeting in the Senate chamber on January 30th.²⁵

On the second day of the Convention a committee of five, of which William Penn Clarke was chairman, was appointed to draw up rules for the body. The next morning sixteen rules were presented and accepted, the tenth rule, formulated by a special committee of which Rufus L. B. Clarke was chairman, specifying that there should be twelve standing committees of five members each. The President then proceeded to name the members of the committees, a list of which together with their chairmen follows: On the Preamble and Bill of Rights, George W. Ells of Davenport; On the Right of Suffrage, John Edwards of Chariton; On the Distribution of Powers and the Legislative Department, John A. Parvin of Muscatine; On the Executive Department, Lewis Todhunter of Indianola; On the Judicial Department, W. Penn Clarke of Iowa City; On the Militia, H. J. Skiff of Newton; On State Debts, James F. Wilson of Fairfield; On Incorporations, Rufus L. B. Clarke of Mt. Pleasant; On Education and School Lands, A. H. Marvin of Monticello; On Amendments to the Constitution, William A. Warren of Bellevue; On Miscellaneous Matter, David

²⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 5, 12-19, 22-24, 35, 36, 81, 82, 87; *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 19-21, 31.

Bunker of Richmond; and On the Schedule, James A. Young of Oskaloosa.

All the members were represented on the committees except John H. Peters of Delhi. When this omission was brought to the attention of the Convention on January 30th, it was explained that he had not been included because he was not present in the Convention when the committees were arranged. By special action of the Convention he was placed on the committees "On the Preamble and Bill of Rights" and "On the Schedule", in place of Aylett R. Cotton of Lyons who had been excused from attending the Convention.²⁶

That the delegates did not fear publicity was shown by the resolution, adopted on January 21st, "That the proprietor of any newspaper in this State shall be entitled to have a reporter in this hall without a special order to that effect". This action was taken after special permission had been granted to several newspapers to have reporters present.²⁷ Furthermore the delegates on January 21st voted that each member and officer be supplied with ten daily newspapers for distribution to their constituents. The next day Amos Harris moved to reconsider the matter as he said he needed more papers for the three counties which he represented. The motion was voted down after it was pointed out that the daily printed reports of the debates would supply information about the Convention.²⁸

To further insure the preservation and distribution of

²⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 20-22, 95, 96; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 17, 23-26.

²⁷ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 23; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 21, 28, 29.

²⁸ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 23, 25, 26; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 17, 27, 28, 31, 32.

their debates, the Convention ordered that fifteen hundred copies of the debates and proceedings of the Convention be published in book form, and that ten copies of each day's proceedings be supplied to each member. Some desired to have three thousand copies of the complete debates printed and to have the members supplied with as many as fifty copies of each day's proceedings, but considerations of economy prevailed and the lesser numbers were approved.

Before the Convention adjourned action was taken to secure adequate distribution of *The Debates of the Constitutional Convention*. Each member was to receive twenty copies, while provision was also made for furnishing copies to State officials, the State Historical Society, county officials, newspaper editors, and others. It was also ordered that one thousand copies of the *Journal of the Constitutional Convention of the State of Iowa* should be printed and distributed. This action in regard to both the *Debates* and the *Journal* was taken only after considerable opposition by the advocates of economy and the matter was the subject of debate at various times from the day that the Convention was formally organized until it adjourned.²⁹ It is fortunate for the student of the Convention, however, that the advocates of publicity prevailed for complete records of the Convention are now available, which is not the case with the Conventions of 1844 and 1846.³⁰

While such questions as these were being discussed in the Convention, the standing committees were engaged in considering the parts of the Constitution which had been assigned to them. The first of these to report to the Con-

²⁹ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 26-30, 179, Vol. II, pp. 761-766, 972-983, 1026, 1027; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 33-35, 55-57, 66-70, 176, 177, 262, 286, 287.

³⁰ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. iii.

vention was the Committee on the Right of Suffrage, on January 26th, followed immediately by the report of the Committee on the Distribution of Powers and the Legislative Department. Most of the committees reported early but the Committee on the Schedule deferred its report until March 3rd, only two days before the Convention adjourned.³¹

On January 30th, the Convention adopted a resolution offered by Jonathan C. Hall to the effect that the reports of standing committees should be acted upon in the order in which the committees were appointed. It was pointed out that by so doing the various articles of the Constitution would be considered in the order in which they appeared in the Constitution of 1846.³²

In accordance with this resolution, the Convention took up the report of the Committee on the Preamble and the Bill of Rights which consisted of George W. Ells, S. G. Winchester, Timothy Day, A. R. Cotton, and T. J. Clark. Their report, which was submitted on January 28th, was taken up on the afternoon of January 30th, having been made the special order of business for that time. An attempt was made to postpone consideration of it, but the sentiment of Hall prevailed and the report was taken up. Mr. Hall said:

We have been here now almost two weeks, and I think it is almost time to take some action on the business before us We have been here long enough to do some business, and I hope that the Convention will not delay their work another hour.³³

Those delegates who had expected that the work of the

³¹ *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 40-324, *passim*.

³² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 95.

³³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 97, 98.

Convention would be brief and probably confined to the amendment of the articles in the Constitution of 1846 dealing with corporations were now to be disillusioned. The action of the Convention in regard to the Bill of Rights was typical of its treatment of the remainder of the old Constitution. A comparison of the old and new Constitutions shows that some change was made in every article of the Constitution of 1846 except the sixth, which pertained to the militia.³⁴

To consider the Preamble and Bill of Rights the Convention resolved itself into a Committee of the Whole with John Edwards as chairman. The debates on the proposed changes in the Bill of Rights were among the most important in the Convention. For a day and a half the matter was discussed in Committee of the Whole; and the next two days, February 2nd and 3rd, were largely spent by the Convention in considering the report of the Committee of the Whole. Since the delegates were unable to agree on four sections of the Bill of Rights, on February 4th, these were referred to a select committee consisting of Rufus L. B. Clarke, Amos Harris, and James F. Wilson. This committee did not report until February 23rd, at which time a majority report, representing the views of Clarke and Wilson, and a minority report, setting forth the views of Harris, were presented to the Convention. It was not until March 4th that the Preamble and Bill of Rights came up for the third reading, in the final form. They were adopted by a vote of twenty-six to six.

The importance of the subject in the minds of the delegates is shown by the fact that of the ten hundred and sixty-six pages in the two volumes of *Debates*, one hundred and forty-two are devoted to the Bill of Rights. Prominent

³⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1067-1096.

in the discussions, which at times were heated, was the question of the rights of negroes. Among those who were conspicuous in the debate on this article of the Constitution were George W. Ells, William Penn Clarke, James F. Wilson, Rufus L. B. Clarke, and John T. Clark on the Republican side, while Amos Harris, George Gillaspy, and Jonathan C. Hall were the leading debaters for the Democrats. The final vote on this article, which was twenty-six to six, shows, however, that it was not entirely a party measure although the six negative votes were those of Democrats.³⁵

In the consideration of the second article, relating to suffrage, the question of giving the negro the right to vote was seriously debated. After the select committee, consisting of John Edwards, Robert Gower, William Patterson, Amos Harris, and Jeremiah Hollingsworth, had submitted a report on January 26th, the debates began, becoming at times rather acrimonious. On February 4th a select committee was appointed to further consider the matter of suffrage. Rufus L. B. Clarke reported for this committee on February 23rd, recommending that the people of Iowa, when they voted on the ratification of the Constitution, should cast a separate ballot, to determine whether or not the word "white" should be stricken out wherever it appeared in the Constitution. This was amended to apply only to the second article, and in that form the recommendation was adopted. Thus the Republicans in the Convention avoided the delicate task of settling the question of negro suffrage. The final vote on the adoption of article two was thirty to two.³⁶

³⁵ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 21, 64, 97-115, 118-215, 223-226, Vol. II, pp. 651-657, 731-741, 1006-1008.

³⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 21, 36, 217-219, Vol. II, pp. 649-651, 657-664, 665-717, 888-917,

Since it was the illiberal provision of the Constitution of 1846 in regard to corporations, and especially banking corporations, that had been chiefly responsible for the calling of the Convention of 1857, this subject was naturally the most important before the Convention. The standing committee appointed to deal with this article of the Constitution was composed of three Republicans — Rufus L. B. Clarke, John A. Parvin, and H. J. Skiff, and two Democrats — J. H. Emerson and Edward Johnstone. On January 30th, this committee made its report to the Convention, which took up the consideration of the report in Committee of the Whole on February 6th.

For the greater part of five days the matter of incorporations was debated in Committee of the Whole, the most important subject of discussion being banks and banking. After further discussion in the Convention, the report, with amendments recommended by the Committee of the Whole, was referred to a select committee consisting of James F. Wilson, Jonathan C. Hall, James A. Young, Daniel W. Price, and David Bunker. On February 23rd, a majority report of this committee was presented to the Convention. Not until two days later was the report considered, and then followed another prolonged debate. On March 4th, the final vote was taken and the article on corporations was adopted in its final form by a vote of twenty-nine to six. The six negative votes were cast by five Democrats and one Republican, the latter being William Penn Clarke. The most important provisions in this article — the eighth in the present Constitution — were those providing for banking corporations.³⁷

Another important matter considered by the Convention

1008; Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 227.

³⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*,

was State debts. On January 21st a standing committee was named to deal with the subject, consisting of James F. Wilson, William A. Warren, Hiram D. Gibson, Squire Ayers, and Alpheus Scott. This committee made a report to the Convention on January 26th, and on February 5th this report was considered in Committee of the Whole. The committee recommended that the indebtedness of the State be limited to \$100,000, as in the old Constitution, but this was struck out by the Committee of the Whole, and \$250,000 substituted. When the final vote was taken on the article on March 4th, it carried unanimously, the vote being thirty-five for and none against it.³⁸

The third article, though it is the longest in the Constitution, was adopted without any especially heated debate. The Committee on the Distribution of Powers and the Legislative Department, composed of John A. Parvin, J. C. Traer, Thomas Seeley, Edward Johnstone, and J. H. Emerson, recommended, on January 26th, that the Convention accept unchanged the section entitled "Of The Distribution of Powers" in the old Constitution. Three days later the committee made its report on the Legislative Department.

On February 16th and 17th the Convention considered this report in Committee of the Whole. After further consideration by the Convention, the article was referred to the Committee on Revision on February 18th and when it came up for its third reading on March 4th it was adopted by the overwhelming vote of thirty to four, all the opponents being Republicans. This article changed the date of the biennial sessions of the General Assembly from the first Monday in December to the second Monday in January following the election of its members. It specified that bills

Vol. I, pp. 22, 38, 39, 52, 96, 97, 288-430, Vol. II, pp. 648, 773-795, 1022-1024. Shambaugh's *History of the Constitutions of Iowa*, pp. 329-335, 339-342.

³⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 22, 34, 50, 260-284, Vol. II, pp. 1020, 1021.

might originate in either House, but required the affirmative vote of a majority of each House for passage.³⁹

The most important change made in the Executive Department was the provision for a Lieutenant Governor. The standing committee to consider this article was composed of Lewis Todhunter, A. H. Marvin, Squire Ayers, Daniel W. Price, and Hosea W. Gray. This committee made its report on January 28th, but it was not until February 18th that their report was considered in Committee of the Whole. The next day the Convention again considered the report, which after slight amendment was referred to the Committee on Revision. After the article had been read the third time on March 4th, it was adopted by the unanimous vote of the Convention.⁴⁰

The Committee on the Judicial Department, consisting of William Penn Clarke, James F. Wilson, R. L. B. Clarke, D. H. Solomon, and J. C. Hall, found it difficult to agree, so both a majority and a minority report were presented to the Convention on January 31st. These reports were taken up in Committee of the Whole on February 4th and 5th. On the latter date the standing committee submitted a second majority report while William Penn Clarke resubmitted his minority report. These were considered in Committee of the Whole on February 12th, and were then debated on the floor of the Convention. On February 20th, discussion of the article was completed and it was referred to the Committee on Revision. After the third reading on March 4th, the article was adopted by a vote of thirty-one to four. The debate was waged chiefly over the election of judges, their number, and their salaries. The article, as finally

³⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 21, 30-33, 37, 38, 79, 82-84, 509-579, Vol. II, pp. 758, 1008-1012, 1016, 1017.

⁴⁰ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 21, 39, 47, 76-78, 579-598, Vol. II, pp. 1017-1019.

incorporated in the Constitution, provided for the election of judges by the people instead of by the General Assembly, and also for an Attorney General to be elected by popular vote.⁴¹

The lightest task of any of the standing committees fell to the lot of the Committee on the Militia, composed of H. J. Skiff, Jeremiah Hollingsworth, George Gillaspay, J. C. Hall, and William Patterson. On February 20th this committee recommended to the Convention that it adopt the article on the militia as contained in the Constitution of 1846. After only a few remarks the article was referred to the Committee on Revision and on March 4th it was adopted by acclamation.⁴²

A standing committee, consisting of A. H. Marvin, John Edwards, J. C. Hall, George W. Ells, and Amos Harris, was appointed to formulate the article on Education and School Lands. The majority of the committee made a report on January 29th, and on the same day a minority report was presented. On February 19th the reports were considered in Committee of the Whole, and again on February 24th and 25th. Two days later the report as amended by the Committee of the Whole was considered by the Convention. The next day the reports were recommitted to the Committee on Education and School Lands with instructions to consider certain proposed changes. This committee made its second report on March 2nd, and on the following day this report was considered by the Convention.

On March 5th, the article came up for its third reading and was adopted by a vote of twenty-three to eight, all those voting in the negative being Republicans. This arti-

⁴¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 22, 33, 38, 46, 47, 81, 115-117, 227-260, 430-493, 504-509, 628-638, Vol. II, pp. 874-876, 1019, 1020.

⁴² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 22, 628, 640, Vol. II, p. 1020.

cle provided for a Board of Education, but specified that it could be abolished or reorganized by the General Assembly after 1863. Another subject of heated debate was the provision that the common schools in each district must be in session at least three months each year, or the district would be deprived of its portion of the State school fund.⁴³

Provisions for the future amendment of the Constitution were contained in the majority and minority reports made on January 26th and 29th respectively by the Committee on Amendments to the Constitution, consisting of William A. Warren, David Bunker, J. T. Clark, Timothy Day, and Hiram D. Gibson. On February 19th these reports were considered by the Convention sitting as a Committee of the Whole, and on the next day were discussed by the Convention. The third reading came on March 5th at which time the article, as it came from the Committee on Revision, was adopted by a vote of twenty-one to twelve, only one Republican voting in the negative. An interesting innovation of this article was the one providing that, beginning with 1870, and each tenth year thereafter, the people should vote at the general election on the question, "Shall there be a Convention to revise the Constitution, and amend the same?"⁴⁴

David Bunker, William Penn Clarke, David P. Palmer, J. C. Traer, and M. W. Robinson constituted the Committee on Miscellaneous Matter. Among the subjects before this committee for consideration was that of a constitutional provision for the observance of the Christian Sabbath, and also one for the prohibition of the manufacture and sale of intoxicating drinks. The report of the committee was con-

⁴³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 22, 39, 40, 78, 79, 598-602, Vol. II, pp. 720-732, 743-758, 766-773, 815-850, 853-858, 871-874, 934-958, 962-972, 1028-1030.

⁴⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 22, 36, 80, 603-626, 638-640, Vol. II, pp. 1030-1033.

sidered in Committee of the Whole on February 26th, and the article was ordered to the Committee on Revision. In this article, as finally adopted by the Convention on March 5th by a vote of twenty-six to four, the most interesting section was the eighth, which reads:

The seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the County of Polk; and the State University at Iowa City, in the County of Johnson.⁴⁵

To provide for submitting the new Constitution to a vote of the people and putting it into effect, if ratified, was the work of the Committee on the Schedule. This committee, composed of James A. Young, Lewis Todhunter, George Gillaspy, Hosea W. Gray, and John H. Peters, made its report on March 3rd. The report was considered the next day and ordered to its third reading. On March 5th, this article, the final one in the Constitution of 1857, was adopted by a vote of twenty to twelve. After its adoption a formal protest was submitted by seven Democratic delegates — J. C. Hall, D. P. Palmer, Amos Harris, H. D. Gibson, William Patterson, John H. Peters, and Squire Ayers. They especially objected to postponing the election of Supreme Court Judges until 1859, and to the provision for apportionment of members of the General Assembly.⁴⁶

The votes of each member of the convention on the various articles is recorded in Table II which appears on pages 78 and 79 of this article.

As is generally the case in such a gathering, the bulk of the work of the Convention was performed by a few members, although without doubt the delegates were conscientious and did their work as best they could. They were

⁴⁵ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 22, 88, 143, 216, 361, Vol. II, pp. 648, 795-813, 1033, 1034.

⁴⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 22, Vol. II, pp. 914, 915, 994-1001, 1034-1048.

supplied with such works as Clarke's *Iowa Reports*, *Code of Iowa*, Cushing's *Manual* and the Constitutions of the several States and of the United States,⁴⁷ and the debates indicate that some of the members, at least, studied diligently in order that the Constitution which they framed might incorporate the best provisions found in other Constitutions.

An analysis of the Convention activities of the delegates (see Table III) shows that most of the work was performed by a comparatively small number of men. The outstanding man on the Republican side was William Penn Clarke of Johnson County, but Rufus L. B. Clarke of Henry County was almost as prominent. James F. Wilson of Jefferson County and John T. Clark of Allamakee County were also among the most active of the Republicans.

On the Democratic side, Jonathan C. Hall of Des Moines County was easily the most conspicuous in the Convention. Other Democrats who were active were Amos Harris of Appanoose County, D. P. Palmer of Davis County, and Edward Johnstone of Lee County.

Some of the delegates were truly voting members for the record shows that they did little else than vote. Aylett R. Cotton of Clinton County was excused early from attending the Convention and so took practically no part in its activities. His place on the committees to which he had been assigned was taken by John H. Peters. Four other delegates — Squire Ayers and Timothy Day of Van Buren County, Jeremiah Hollingsworth of Keokuk County, and Thomas Seeley of Guthrie County — confined their activities almost entirely to voting.

⁴⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, p. 991.

TABLE II

FINAL VOTE ON THE CONSTITUTION — ON EACH ARTICLE AND ON THE WHOLE⁴⁸

NAMES	I		II		III		IV		V		VI		VII		VIII		IX		X		XI		XII		WHOLE		TOTAL VOTE OF EACH DELEGATE	
	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
AYERS, SQUIRE (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		9	4
BUNKER, DAVID (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		11	2
CLARK, JOHN T. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		10	1
CLARKE, RUFUS L. B. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		11	2
CLARKE, WILLIAM PENN (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		10	3
COTTON, AYLETT R. (D)																											0	0
DAY, TIMOTHY (D)					1		1		1		1		1		1												5	1
EDWARDS, JOHN (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13	0
ELLS, GEORGE W. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13	0
EMERSON, J. H. (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		5	8
GIBSON, H. D. (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		9	4
GILLASPY, GEORGE (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		8	5
GOWER, ROBERT (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12	1
GRAY, HOSEA W. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12	1
HALL, JONATHAN C. (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		10	3
HARRIS, AMOS (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		9	4
HOLLINGSWORTH, JEREMIAH (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13	0

⁴⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. II, pp. 1008-1054; Journal of the Constitutional Convention of the State of Iowa, 1857, pp. 361-387.*

NAMES	I		II		III		IV		V		VI		VII		VIII		IX		X		XI		XII		WHOLE		TOTAL VOTE OF EACH DELE- GATE
	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	YEA	NAY	
JOHNSTONE, EDWARD (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		11 2
MARVIN, A. H. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12 0
PALMER, D. P. (D)	1		1		1		1		1		1		1		1		1		1		1		1				9 3
PARVIN, J. A. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13 0
PATTERSON, WILLIAM (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		10 3
PETERS, JOHN H. (D)	1		1		1		1		1		1		1		1		1		1				1		1		5 7
PRICE, DANIEL W. (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		11 2
ROBINSON, M. W. (D)					1		1		1		1		1		1												6 0
SCOTT, ALPHEUS (R)	1		1		1		1		1		1		1		1				1		1		1		1		12 0
SEELEY, THOMAS (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13 0
SKIFF, HARVEY J. (R)	1		1		1		1		1		1		1		1		1		1				1		1		12 0
SOLOMON, DANIEL H. (D)	1		1		1		1		1		1		1		1		1		1		1		1		1		9 4
SPRINGER, FRANCIS (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13 0
TODHUNTER, LEWIS (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		13 0
TRAER, J. C. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12 1
WARREN, WILLIAM A. (R)					1		1		1		1		1		1		1		1		1		1		1		11 0
WILSON, JAMES F. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12 1
WINCHESTER, SHELDON G. (R)	1		1		1		1		1		1		1		1		1		1		1				1		10 2
YOUNG, JAMES A. (R)	1		1		1		1		1		1		1		1		1		1		1		1		1		12 1
TOTAL	26	6	30	2	30	4	35	0	31	4	35	0	35	0	29	6	23	8	21	12	26	4	20	12	25	7	

TABLE III

CONVENTION ACTIVITIES OF THE DELEGATES ⁴⁹									
NAMES	CHAIRMAN STANDING COMMITTEES	MEMBER STANDING COMMITTEES	CHAIRMAN SPECIAL COMMITTEES	MEMBER SPECIAL COMMITTEES	CHAIRMAN COMMITTEE OF THE WHOLE	SUBJECTS DISCUSSED	NUMBER OF REMARKS	MOTIONS INTRODUCED	RESOLUTIONS OFFERED
AYERS, SQUIRE (D)		2				3	5	0	1
BUNKER, DAVID (R)	1	1		2	1	29	40	1	1
CLARK, JOHN T. (R)		2	1	1	1	72	153	2	5
CLARKE, RUFUS L. B. (R)	1	1	4	2		116	268	1	10
CLARKE, WILLIAM PENN (R)	1	1	4	5		113	266	7	19
COTTON, AXLETT R. (D)		2				0	0	0	0
DAY, TIMOTHY (D)		2				4	5	0	0
EDWARDS, JOHN (R)	1	1		2	1	61	109	2	6
ELLS, GEORGE W. (R)	1	1	1			29	61	2	2
EMERSON, J. H. (D)		2		1		18	27	0	1
GIBSON, H. D. (D)		2		1	1	34	59	0	4
GILLASPY, GEORGE (D)		3		1	1	81	162	1	3
GOWER, ROBERT (R)		1				49	85	0	3
GRAY, HOSEA W. (R)		2		1	1	8	15	0	5
HALL, JONATHAN C. (D)		3		7		137	349	1	9
HARRIS, AMOS (D)		2		4	1	106	216	4	3
HOLLINGSWORTH, JEREMIAH (R)		2		1		0	0	0	0

⁴⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vols. I and II.* Committee chairmen are not listed again as members of the committee.

NAME	CHAIRMAN STANDING COMMITTEES	MEMBER STANDING COMMITTEES	CHAIRMAN SPECIAL COMMITTEES	MEMBER SPECIAL COMMITTEES	CHAIRMAN COMMITTEE OF THE WHOLE	SUBJECTS DISCUSSED	NUMBER OF REMARKS	MOTIONS INTRODUCED	RESOLUTIONS OFFERED
JOHNSTONE, EDWARD (D)		3	2	1	1	64	96	0	5
MARVIN, A. H. (R)	1	1		1		61	95	0	1
PALMER, D. P. (D)		1		1		94	150	0	5
PARVIN, J. A. (R)	1	1		3	1	89	136	1	2
PATTERSON, WILLIAM (D)		2			1	22	30	0	3
PETERS, JOHN H. (D)		2				27	55	0	2
PRICE, DANIEL W. (D)		1		2		10	13	0	1
ROBINSON, M. W. (D)		1				0	0	1	1
SCOTT, ALPHEUS (R)		1				48	60	0	0
SEELEY, THOMAS (R)		1		1		0	0	0	1
SKIFF, HARVEY J. (R)	1	2	2			72	106	2	3
SOLOMON, DANIEL H. (D)		1		2		66	113	0	3
SPRINGER, FRANCIS (R)		(President) ⁵⁰		1					
TODHUNTER, LEWIS (R)	1	2	2	2	1	43	64	0	8
TRAER, J. C. (R)		2	1	2	1	80	164	6	5
WARREN, WILLIAM A. (R)	1	1		1		19	20	1	2
WILSON, JAMES F. (R)	1	2	1	4		126	296	7	7
WINCHESTER, SHELDON G. (R)		1		2	1	36	49	0	6
YOUNG, JAMES A. (R)	1			2	1	26	35	2	0

⁵⁰ Francis Springer was placed by the chairman *pro tem* on the special committee to consider moving the Convention from Iowa City.

William Penn Clarke's daguerreotype shows him to have been a man of intellectual appearance, rather slender in size, with dark hair, a prominent forehead, keen eyes, and a smoothly shaven face. At the time of the Convention Clarke was in his prime, being thirty-nine years old. Born in Baltimore, Maryland, in 1817, he had come to Iowa City in 1844, where he entered upon the practice of law. He was an active opponent of slavery and frequently contributed newspaper articles on the slavery issue. In 1856 he attended the preliminary National Republican Convention at Pittsburgh, acting as one of the secretaries. At the time of the Iowa Constitutional Convention he was holding the position of Reporter for the Iowa Supreme Court. In the Convention he played a very conspicuous part, both in committee work and in debate. During John Brown's operations in southern Iowa William Penn Clarke aided in smuggling negroes to Canada, and as the proprietor of the *State Press* he helped stir up anti-slavery feeling. During the Civil War he served as a paymaster, and in 1866 he was appointed Chief Clerk in the Interior Department at Washington, a position which he held for about two years. He then practiced law in Washington, D. C., where he resided until his death in 1903.⁵¹

Closely rivaling him as the most active Republican in the Convention was Rufus L. B. Clarke. He was a man of rather slight stature, with black eyes and black hair and beard. His expression was lively and his movements animated. He was a man of mature age at the time of the Convention of 1857, having been born in Connecticut in 1817. Although he had the advantage of a college education when he came to Iowa in the winter of 1849-1850, this did not prove much of an advantage in dealing with the Iowa pioneers: his

⁵¹ Cole's *The Courts and Legal Profession of Iowa*, Vol. I, p. 96; Gue's *History of Iowa*, Vol. IV, pp. 52, 53.

cultured manners did not aid him in acquiring a large law practice though he was a very able man. He came to the Convention without political experience, nor did he attain political prominence afterwards. In 1860 he was a delegate to the National Republican Convention at Chicago which nominated Abraham Lincoln for the presidency. In the late sixties he moved to Washington, D. C., where he continued the practice of law.⁵²

John T. Clark of Allamakee County came to the Convention as the delegate from the Thirty-fourth District. An able lawyer, he soon impressed himself upon his fellow delegates as a man of ability. In appearance he was stern, this effect being produced by his thin, compressed lips, long nose, and rather deep set eyes. His face was long and somewhat square, set in the framework afforded by a heavy beard. He was forty years of age at the time of the Convention and had been but three years in the State, having come from New York. Neither before nor after the Convention did he attain political prominence.⁵³

Of all the delegates who attended the Constitutional Convention, the one who ultimately attained the greatest distinction was James F. Wilson of Jefferson County. When the Convention convened he was only twenty-eight years old. He was youthful in appearance, with a rather thin, smoothly shaven face, but, in spite of his youth, he was one of the most prominent men in the Convention, and proved himself an able debater. Born in Ohio in 1828, he had studied law before he moved to Iowa in 1853. After the Convention he served in both branches of the General Assembly, then became a Representative in Congress. He reached

⁵² Stiles's *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*, pp. 672, 673.

⁵³ Stiles's *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*, pp. 889, 890.

the climax of his career when he served as a United States Senator from 1882 to 1895. His death occurred in the latter year at his home in Fairfield.⁵⁴

On the Democratic side, Jonathan C. Hall of Burlington was the outstanding man in the Convention and the most active debater among all the delegates. When he came to the Convention he was forty-seven years old with a record of eighteen years residence in Iowa. Physically he was a man of commanding appearance, able to secure attention when he spoke. Born in New York, in 1808, he moved to Ohio where he was admitted to the bar before moving on to Iowa. He had been a delegate in the Iowa Constitutional Convention of 1844, and was the only member of the Convention of 1857 who had had previous experience in framing a Constitution. Hall had had experience as a Judge of the Iowa Supreme Court and also as a member of the General Assembly. He died on June 11, 1874.⁵⁵

Though Edward Johnstone, a Democratic delegate from Lee County, was not as active a debater as some of the other delegates, he was nevertheless an influential member of the Convention. A large man physically, he made an impressive appearance on the Convention floor as he did while serving as Speaker of the second territorial House of Representatives. One writer described him as the "kingliest man" in the Convention. At the time he was forty-one years of age, having been born in Pennsylvania in 1815. He came of a rather distinguished family, one brother serving as Governor of Pennsylvania, and another as Governor of California. After the Convention he devoted himself to his private interests until his death in 1891.⁵⁶

⁵⁴ Gue's *History of Iowa*, Vol. IV, p. 290.

⁵⁵ Cole's *The Courts and Legal Profession of Iowa*, Vol. I, p. 55; Gue's *History of Iowa*, Vol. IV, pp. 115, 116.

⁵⁶ Stiles's *Recollections and Sketches of Notable Lawyers and Public Men of*

Another Democrat who was prominent in the debates of the Convention was Amos Harris who represented the Tenth District. Born in Ohio in 1822 he was thirty-four years of age when he was elected a delegate to the Constitutional Convention. He was a mild appearing individual, with unkempt hair and a full beard. Before coming to Iowa in 1847 he had studied law and consequently was able to begin to practice when he came to Centerville. Before coming to the Convention, he had served as Prosecuting Attorney in his county and as Judge and had been a member of the General Assembly. In 1858 he was elected District Attorney for the Second Judicial District of Iowa. In 1875 he removed to Wichita, Kansas, where he resided until his death.⁵⁷

David P. Palmer was a fourth Democrat who played a large part in the Convention. His long, thin face gave him a rather austere appearance. He wore no beard and kept his dark hair combed back. At the time of the Convention he was forty years of age. He was born in New York whence he moved to Ohio in 1836. Here he studied law and after moving to Iowa in 1847 he established a law office at Bloomfield. His political experience outside of the Convention consisted of holding the office of Prosecuting Attorney in both Linn and Davis counties.⁵⁸

Though several other delegates might be mentioned, those already dealt with were the prominent men of the Convention. They deserve credit for having performed much more than their share of the work of that assemblage, and to them credit is largely due for the Constitution of 1857.

Early Iowa, pp. 326-328; Cole's *The Courts and Legal Profession of Iowa*, Vol. I, pp. 21, 22; Brigham's *Iowa, Its History and Its Foremost Citizens*, Vol. I, pp. 266, 267; Wright's *Judge Edward Johnstone in the Iowa Historical Record*, Vol. IX, pp. 489-493.

⁵⁷ Cole's *The Courts and Legal Profession of Iowa*, Vol. I, p. 450.

⁵⁸ *History of Davis County, Iowa* (State Historical Company), p. 652.

An account of the framers of the Constitution of 1857 would not be complete without giving credit to two special committees for the work which they did. On February 17, 1857, Rufus L. B. Clarke, Edward Johnstone, and James F. Wilson were appointed a Committee on Revision, Engrossment and Enrollment.⁵⁹ It was the duty of this committee to take each article after it had passed its second reading in the Convention and put it in the best form possible.

On the last day of the Convention, on motion of William Penn Clarke, the whole Constitution was referred to a special committee of "three of the most critical scholars in the convention". This committee consisted of William Penn Clarke, J. C. Hall, and Hosea W. Gray, and it was their duty to examine carefully the completed document and get it ready for publication.⁶⁰

The last two days of the Convention were crowded with work. Besides hearing each article read for the third time and taking the final vote on each of these as well as on the whole Constitution, other matters occupied the attention of the delegates. One of these was the matter of the salary and mileage of the delegates.

The Act of January 24, 1855, had specified the pay of the members as three dollars per diem and three dollars for every twenty miles travelled.⁶¹ On February 25th, a Committee on Accounts and Expenditures, consisting of Edward Johnstone, William Penn Clarke, and J. A. Parvin was appointed,⁶² which made a report on the morning of

⁵⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 524.

⁶⁰ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, p. 1048.

⁶¹ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 220.

⁶² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, p. 743.

March 5th. This report allowed the members pay for forty-seven days, and also fixed their mileage. D. W. Price of Council Bluffs was credited with a mileage of one thousand miles and was granted one hundred and fifty dollars on that account. Aylett R. Cotton of Lyons, who had been excused from the Convention on January 29th was, nevertheless, granted full pay and mileage. The President, Francis Springer, was granted an extra three dollars per diem for his services. The Convention had previously agreed to pay the Chaplain a lump sum of one hundred and fifty dollars.⁶³

An interesting episode occurred during the last session of the Convention when John Edwards offered the following resolution:

Resolved, That all personal differences which have occurred between members during the sittings of the convention, be sunk in oblivion and forgotten from and after this date.

This was heartily concurred in by various delegates and was passed by acclamation.⁶⁴

Another act of the Convention on the last day was to pass resolutions of thanks to the officers of the Convention for their services and to the Reporter and his two assistants.⁶⁵

One of the last acts of the Convention was the adoption of the Constitution as it came from the Committee on Revision appointed earlier in the day. The final vote on the adoption was twenty-five to seven.⁶⁶ It is interesting to note that the Constitution, as printed in the *Debates*, does

⁶³ *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 89, 372-375; *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 759-761, 1025, 1026, 1050, 1051.

⁶⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1062-1065.

⁶⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, p. 1034.

⁶⁶ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1054, 1055.

not contain the name of Aylett R. Cotton, although his name appears on the original copy kept at Des Moines. This is accounted for by the fact that Cotton was not present when the Constitution was signed so his name was not affixed to it, but when the twenty-fifth anniversary of the Convention was celebrated at Des Moines, in 1882, the original document was brought out and he was allowed to sign it.⁶⁷

When all the business of the Convention had been completed on the night of March 5, 1857, John Edwards offered a resolution to the effect that the Convention adjourn *sine die*. This was agreed to, but before announcing the result of the vote, the President, Francis Springer, made a short address to the Convention, in which he said in part:

Our task is done. The work we have been sent here to perform is completed. The results of our labors and deliberations we commit to the people and to history. The judgment of both we may abide, I think, with undoubting confidence

I may say, in brief, that we have added some new and important guards for the security of popular rights, and for the promotion of the best interests of the social compact. Restrictions existed in the old constitution, which it is believed have operated to check and retard the energies and prosperity of the State. These we have removed. We have stricken the fetters from the limbs of the infant giant, and given free scope to resources, capable, as we believe, of working out the highest results. . . .

And now, with my warmest wishes for your happiness, and with our hearts filled with gratitude to Him whose providential care has been so signally over us, guiding us, protecting us, and directing us, I proceed to give effect to the last vote you have taken, by declaring this convention dissolved.⁶⁸

ERIK MCKINLEY ERIKSSON

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

⁶⁷ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 87, Vol. II, p. 1096; *Ancient the Constitution in Iowa in the Annals of Iowa* (Third Series), Vol. I, p. 224, Vol. VI, p. 637.

⁶⁸ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, pp. 1065, 1066.

THE LOCATION OF COUNTY SEATS IN IOWA

[This is the first installment of Mr. Swisher's article dealing with the location of county seats in Iowa. The counties are taken up alphabetically, those from Adair to Clarke, inclusive, being considered in this section. The article will be continued in the April number.—THE EDITOR]

From the date of the earliest settlements in Iowa to the present time, people have recognized the many advantages which are to be gained by obtaining the county seat. Aside from the prestige which securing the seat of justice affords, there is a decided commercial and economic advantage to be gained. Population tends to center around the chief point of political interest in the county, business also gravitates in that direction, and social activities are frequently closely allied with those of a political nature.

Of the ninety-nine county seat towns in Iowa approximately two-thirds have been selected after contests with neighboring towns. Indeed, in many instances these contests have been long and bitter. In some cases the struggle still continues, and the ultimate location is not yet finally determined. The determining factors in locating the county seats have been varied and numerous. Perhaps the most important of these have been a central location in the county, location on a railroad, local interest in obtaining or retaining the county seat, and the size and relative importance of the contesting towns. Thus where county seats were originally located near the boundary of the county, there has been a marked tendency to choose a central location later. In cases where the county seat was located prior to the coming of railroads and was not later accessible by rail, there has without exception been a relocation. In other cases local interest has been a large determining

factor. The citizens of a town have, in some instances, donated large sums of money toward the construction of county buildings to obtain the county seat. In a few cases the mere size of a town has determined the selection of the county seat, although its location does not always present the other features which are considered advantageous.

The method of locating and relocating county seats has not been uniform. Some of the laws organizing the first counties did not provide for a county seat at all, but designated a place for holding the district court, until a county seat should be established.¹ A little later it became the custom for the legislature in passing the organizing act to appoint three commissioners to locate the county seat. In 1847 a general law was passed which provided for the organization of counties. This, however, made no reference to the method of locating the county seat. On January 22, 1853, a second general law was passed in which provision was made that if the majority of the voters of any county so petitioned the district judge during the vacation of the General Assembly, it became his duty to appoint commissioners to locate the county seat.²

This law remained in force until 1855, when an act was passed with special reference to the location of county seats. This law provided that when the citizens of any county desired the relocation of the county seat and presented to the county judge a petition signed by at least half of the voters, it became the duty of the judge to submit the question to a popular vote at the next April election and to issue notices accordingly.³

The law was again changed in 1862, when the duty of

¹ This plan was followed in Louisa and Van Buren counties.—*Laws of the Territory of Wisconsin*, 1836-1838, pp. 77, 78.

² *Laws of Iowa*, 1852-1853, p. 28.

³ *Laws of Iowa*, 1854-1855, p. 71.

calling the election for this purpose was transferred to the board of supervisors. This act also provided that a vote for removal of the county seat should not take place in any county more often than once in three years.

In 1894 the law was again amended and provision was made that a petition for removal might be presented to the board of supervisors "at the regular June session in any even numbered year," thus allowing an election for removal to occur as often as once in two years. In the *Code of 1897* this law was amended to read, "at the regular June session, but not oftener than once in five years." A stipulation was added in 1911 that if a county seat has been located continuously in one place for a period of forty years or more it may not be removed except by a two-thirds vote.

In 1923 a special provision was added to the law. In case the sum of \$100,000 is donated to a county for the building of a courthouse the board of supervisors is authorized to appropriate from the general fund of the county a sum equal to one-half of the donation to complete the work.⁴ For the most part county seat struggles in Iowa have centered around these various provisions of the law.

Adair County.—On January 15, 1851, a law was passed which provided for the establishment of fifty new counties. Adair County was one of this group.⁵ In 1853 this county was attached to Cass County and by virtue of this fact no county seat was provided for until two years later. On January 15, 1855, a law was passed to locate the county seat, and commissioners were appointed to select a desirable site.⁶ In pursuance of this law, two of the commissioners

⁴ *Laws of Iowa*, 1861-1862, pp. 52-54, 1894, p. 27, 1911, pp. 15, 16, 1923, p. 104; *Code of 1897*, Sec. 396.

⁵ *Laws of Iowa*, 1850-1851, p. 27.

⁶ *Laws of Iowa*, 1852-1853, p. 23, 1854-1855, pp. 38, 39.

met on the 27th of April and agreed upon a location, to which they gave the name of Summerset. The name was later changed to Fontanelle.

In 1856 the town of Greenfield was laid out near the center of the county, and from that time on there was agitation for the removal of the county seat to that place. In March, 1858, S. W. Armstrong presented a petition to the county court asking that the court order a vote to be taken at the following April election for the removal of the county seat to Greenfield. As sufficient notice had not been given prior to the date of presenting the petition, the request was denied by the court, and the question was not submitted to a vote at this time.

During the next few years the issues of the Civil War were paramount, and the county seat contest was suspended. In the fall of 1865, however, the question again came up for consideration. Prior to this date the law had been changed and the matter of calling the election for removal had been placed in the hands of the board of supervisors. A petition was therefore presented to this board and an election was called to be held on October 10, 1865. The vote resulted in 130 ballots for removal to Greenfield and 139 for retaining the location at Fontanelle which thus remained the county seat by a majority of nine votes.

At the June meeting of the board of supervisors in 1869, another petition was presented asking for a vote upon the question of removal to Greenfield. This created such a heated argument among the members of the board themselves that a committee was appointed to investigate the advisability of granting the request. Upon the recommendation of this committee the petition was granted, and an election was held on October 12, 1869. Again Greenfield was defeated, this time by a majority of sixty-five votes.

These elections, however, served as a stimulus to the

Greenfield faction, who came to realize that the contest could be won if sufficient effort were put forth. In June, 1874, in response to a petition, the board of supervisors ordered another vote to be taken in October. The opposition presented a remonstrance on the ground of legality, claiming that sufficient notice had not been given. The remonstrance was rejected, however, and the question of removal was submitted to the people at the general fall election. This time the vote stood 852 for Greenfield and 500 for Fontanelle. The people of Fontanelle relying upon the illegality of the notice asked an injunction restraining the removal. This was granted and an appeal was taken to the Supreme Court. During the argument of the case it appeared to some that an injunction would not test the merits of the case, and that the proper action would be in *certiorari*. Accordingly, a writ of *certiorari*, accompanied by an injunction, was asked for and granted. The Supreme Court reversed the decision of the lower court, asserting that there was no case for equitable relief justifying an injunction, "the order for the vote being conclusive until set aside by *certiorari*".⁷

As an action of *certiorari* accompanied by an injunction had already begun, the Fontanelle adherents contended that it would be illegal to remove the records. However, when the Supreme Court reversed the decision of the lower court with regard to the injunction, the Greenfield faction interpreted this as an authorization to change the county seat, and on March 22, 1875, about two hundred and fifty men with seventy-five wagons went to Fontanelle and announced their intention of removing the records. Here they met with some resistance, but finally succeeded in obtaining the desired records which they took to Greenfield.

⁷ *History of Guthrie and Adair Counties, Iowa* (1884), pp. 786, 839-847; *Bennet et al v. Hetherington et al*, 41 Iowa 142.

Judge Mitchell, assuming that the county seat had not been removed, convened a session of the circuit court at Fontanelle on the afternoon of the day of the removal and gave the sheriff an order directing the Greenfield delegation to bring the records back to Fontanelle. When he presented his order to the chairman of the board of supervisors, the sheriff was told that the chairman had not ordered their removal and could not direct them to be taken back. During the discussion which followed one of the Greenfield partisans snatched the judge's order and destroyed it. The sentiment of the crowd was to resist the order, so the sheriff returned without the records. On the following day he was instructed by the judge to go to Greenfield together with deputies and bring the records. Again, however, the sheriff met resistance and returned to Fontanelle without the records.

A messenger was then dispatched to Des Moines and on the following day returned with N. B. Baker, the State Adjutant General, who came clothed with authority to suppress any hostility that might arise. General Baker went to Greenfield, explained the situation, and advised the people to return the records. Finally it was agreed that the records might be returned to Fontanelle, but the citizens of Greenfield refused to help with the work. For a period of three months no further action was taken. On June 21, 1875, the Supreme Court rendered its decision in the matter — holding that the election had been sufficient and that Greenfield was legally the county seat. On the following day the board of supervisors ordered that all records, furniture, and fixtures of the county offices be removed to Greenfield. Thus ended one of the most sharply contested county seat fights in the annals of the State.⁸

⁸ *History of Guthrie and Adair Counties, Iowa* (1884), pp. 839-847.

Adams County.—Adams County was one of the fifty counties established in 1851. Two years later, in January, 1853, William Davis of Mills County, James B. Campbell of Taylor County, and John Buckingham of Page County were appointed commissioners for the purpose of locating the seat of justice. The law which provided for this appointment stipulated that the county seat, when selected, should be called Quincy.⁹ The commissioners chose a site a little to the north of the center of the county on land belonging to Jacob M. B. Miller, who laid out the town and deeded to the county all even numbered lots and a public square.¹⁰

In May, 1857, the town of Corning was surveyed. In October of the same year another town called Queen City was also surveyed and its plat was recorded. Both of these towns were claimants for future railroad favors, and both aspired to obtain the county seat. In spite of the issues of the Civil War, and notwithstanding the fact that the citizens of Quincy wanted to delay the county seat struggle, the question of removal soon came to a vote. In 1859 an attempt was made by the citizens of Queen City to secure a vote upon the question of a removal to that place, but nothing came of this attempt. The question was again raised in 1862, but a petition for a vote was rejected. After continuing the struggle for a few years, Queen City lost all standing as a contestant and finally disappeared entirely.

In 1869 the long looked for railroad was built through the county, passing through Corning, which soon became a thriving town. In October of that year a vote was taken on the question of removing the county seat from Quincy to Corning. This attempt failed, but in 1872 the attempt was repeated and, at the November election of that year, the

⁹ *Laws of Iowa*, 1850-1851, p. 27, 1852-1853, pp. 21, 25.

¹⁰ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 415; Gue's *History of Iowa*, Vol. III, pp. 298, 299.

question received a favorable vote. Thus Corning became the county seat. This movement was aided by the erection of a new courthouse by the citizens of Corning, and its presentation to the county, thus avoiding the controversy about taxation for a new building. This building served as a place for the transaction of county business until February 22, 1889, when it was destroyed by fire. A more commodious building was then provided and no further serious attempt has been made to remove the county seat.¹¹

Allamakee County.—Allamakee County, together with Winneshiek County, was established on February 20, 1847, and organization was authorized by a law passed two years later on January 15, 1849. By the terms of this law William C. Linton, John Francis, and James Jones were appointed commissioners to locate the seat of justice.¹² These commissioners agreed upon a location in Jefferson Township — later known as “The Old Stake”. This place, however, did not prove satisfactory, other towns very soon coming to be considered of more importance. In April, 1851, the citizens voted upon the question of locating the county seat at either Vailsville — later known as Harper’s Ferry, at Smith’s Mill, or at Columbus, located on the river in Lansing Township near the town of Lansing. None of these places received a majority vote, however, and another election was called for May of the same year. At this time Columbus received a majority of the votes and became the county seat.

With the county seat near the town of Lansing and yet outside its limits, there soon developed a rivalry between Lansing and Columbus. As Lansing had no better claim

¹¹ *Monograph of Allen Abel Rawson, M. D., and Early Days of Adams County, Iowa*, pp. 26-31, 37-39.

¹² *Laws of Iowa, 1846-1847*, p. 81, 1848-1849, pp. 139, 140.

than Columbus so far as location was concerned, the citizens of that place were willing to join with those in the central and western part of the county in an effort to secure a central location and thus defeat the Columbus faction. As a result of this situation a petition was presented to the General Assembly asking that another location be designated. In January, 1853, this petition was granted and commissioners were appointed to select a suitable site. The town of Waukon was agreed upon by the commissioners, and at the April elections the question of removal to that place was submitted to the people and carried by a large vote.

The friends of Columbus, however, were not willing to submit without a contest. The law of 1851, under which the county seat had been taken to Columbus, declared that "the point receiving the largest number of votes shall be and remain the permanent seat of justice of the said Allamakee County, provided that the owner or owners of such town or point, shall, within ten days after the result of said election has been declared, make and execute to the Board of Commissioners of said county a satisfactory and sufficient deed for at least two acres of land in said point." Relying upon this provision of the law, and upon Article X of the Constitution of the United States, which declares that "no State shall pass any law impairing the obligation of a contract", the citizens of Columbus argued that the law providing for a relocation was unconstitutional. The deed of two acres of land to the county, they contended, was in the nature of a contract, which the State could not legally impair. Stress was also laid on the fact that the former law provided for a "permanent" location. This case came before Judge Thomas S. Wilson in the district court at Waukon in June, 1853, on a motion to adjourn the court to convene again at Columbus. The court overruled the motion, asserting that the town of Columbus had acquired no interest in the matter

of the county seat and that no contract existed between the property owners of the town and the county. By the word "permanent" he said the legislature did not intend to make the law immutable. Indeed, it could not do so. With the dismissal of this case, Waukon became the county seat and no further effort seems to have been made to change the location of the seat of justice until 1856 — a period of about three years.

In March of that year a petition was presented, asking that the question of removal to Rossville be submitted to the people. A similar petition proposed a vote for a removal to Whaley and Topliff's Mill. This resulted in a three-cornered contest, in which Waukon received 617 votes; Whaley and Topliff's Mill, 314; and Rossville, 144. Thus the county seat was retained at Waukon.

Early in 1859, however, a petition was circulated by Lansing to submit to the voters the question of removing the county seat to that place, and her citizens offered to donate suitable lots and to erect a courthouse at a cost of \$8000. At the same time \$5000 was offered by Waukon to aid in the erection of county buildings at that place. Bonds were issued guaranteeing the payment of the sums pledged and a sharply contested campaign followed. The election resulted in 1248 ballots for Waukon and 828 for Lansing. The county judge, taking this vote as evidence of the fact that the people of the county were satisfied with the location at Waukon, issued orders for the building of a new courthouse at that place at a cost of thirteen thousand six hundred dollars, five thousand of which was to be paid by the citizens of Waukon. The people of Lansing protested against this order as the building proposition was not submitted to a vote. This protest, however, was without effect.

The next development in the county seat contest was a combination by Columbus and Lansing to defeat Waukon.

Those in favor of a removal agreed to erect a courthouse free of charge to the county, and agreed upon a location at a place called "The Point", known in the court records as "The point between Lansing and Capoli". At the election which followed some of the votes were cast for "The Point", others for Lansing. These were counted as meaning the same — that is, "The Point", as the court interpreted it meant the location agreed upon at Lansing, and the vote was favorable to removal to that place.

The citizens of Waukon, believing that the combination which had been formed against them could not long endure, presented a petition to the board of supervisors in the fall of the same year, asking for a return of the county seat to Waukon. In April, 1862, the question was voted upon but no change was made.

In 1864 Waukon again made an effort to regain the seat of justice and another campaign ensued. By this time there was talk of a railroad in this section of the State. Waukon was accused of using this as an electioneering point, and much sport was made of the "paper railroad" by the citizens of Lansing. Nevertheless, an order was issued for an election on November 8, 1864. When the board met to canvass the returns it was found that the result depended upon the votes in Franklin Township, the returns of which had not been submitted. A recount of the ballots at hand gave Lansing a majority of sixty-nine votes, and the question was decided upon this basis. This procedure was, of course, objected to by Waukon and the case went to the district court. The friends of Lansing asked for a change of venue to Delaware County and, when a decision was there rendered adverse to their interests, they appealed to the Supreme Court.

Pending the decision of this case an attempt was made to remove the records to Waukon. A writ of mandamus was

issued ordering the board to count the votes of Franklin Township and when this was done Waukon had a majority of twenty-three votes. Whereupon the board of supervisors ordered the sheriff to remove the records. In spite of the fact that there was a case still pending in the Supreme Court regarding the matter, the sheriff with his deputies made a "raid" on the county offices, secured the records, and started with them to Waukon. The sheriff and his posse were overtaken, however, by a party from Lansing, who obtained the records and returned them to that place. The case which was pending in the Supreme Court was decided in June, 1867,¹³ and affirmed the decision of the district court, thus giving the county seat to Waukon.

In August, 1868, it was reported that a petition would be presented to the board of supervisors in September asking for a vote to return the county seat to Lansing. On the first Monday in September, the board transacted the necessary business and on Tuesday forenoon voted to adjourn *sine die*. Later in the day the Lansing petitioners appeared on the scene, but they were too late to secure an order for a vote that year.

In the spring of 1869 the contest was reopened with unusual vigor. A petition was circulated and presented to the board of supervisors. This was followed by a remonstrance, but as it appeared that a majority of the names of the legal voters of the county were on the petition a vote was ordered. The citizens of Waukon then secured an injunction restraining an election. This injunction was later dissolved, however, and a vote taken on October 5, 1869, with the result that Waukon received a majority of 254 votes.

Following this election there was a lull in the county seat contest for a period of about six years. In June, 1875,

¹³ The State of Iowa v. Cavers et al, 22 Iowa 343.

however, a petition was again presented asking for another election. This time Waukon won by a majority of 340 votes. Thus after many years of almost continuous contest Waukon won the honors of the seat of justice — a position which it still retains.¹⁴

Appanoose County.—On February 17, 1843, a law was passed which established the counties of Davis, Appanoose, Wappello, Kishkekosh, Mahaska, Iowa, Poweshiek, Tama, and Black Hawk, and changed the boundaries of others.¹⁵ No attempt was made at this time to perfect county organization or to establish county seats in these counties and Appanoose County remained unorganized until January 13, 1846, when a law was passed which provided for its organization. By the terms of this law William Whitacre, B. P. Baldwin, and Andrew Leach were appointed commissioners to locate the county seat.

Prior to the date of organization there had been some discussion concerning the location of a county seat, but the question was settled temporarily by laying out a town near the geographical center of the county, which was selected as the county seat and given the name of Chaldea. The selection of a centrally located site was a fortunate one, as it precluded the probability of any contest for relocation. The name chosen at this time, however, was not satisfactory to the citizens of the county, and an agitation for a change of name soon developed. William S. Manson, a native of Tennessee and an ardent admirer of Governor Senter of that State, proposed the name of "Senterville". This suggestion was adopted, and a petition was presented to the legislature asking for this change. The legislative com-

¹⁴ *History of Winneshiek and Allamakee Counties, Iowa* (1882), pp. 370, 371, 429-438.

¹⁵ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 131.

mittee reported favorably upon the bill but in attempting to correct a supposed error in orthography, they changed the spelling to "Centerville". In this form the bill was passed and the county seat of Appanoose County has since been known by the name of Centerville.¹⁶

Audubon County.—Audubon County was established in 1851, and was organized under the provision of the general law for the organization of counties passed in 1853. In May, 1855, Judge E. H. Sears of the district court of Cass County, to which Audubon County had been temporarily attached, appointed T. N. Johnson, T. Bryan, and C. E. Woodward as commissioners to locate the county seat. The last two commissioners qualified, and on June 20, 1855, reported that they had selected the northwest quarter of section 22, in township 78, range 35. This site was platted on July 9, 1855, and given the name of Dayton. This became the county seat, but in name only. Two attempts were made to sell town lots, but without success, and Dayton passed into history. In the meanwhile county records were kept at the homes of the county officers, and court was held in a log schoolhouse at Hamlin's Grove.

On March 3, 1856, a petition was submitted to the county judge asking for a removal of the county seat to the town of Viola — now Exira. An election was held on the 7th of April, but the proposed change was defeated. In 1861 an election was again held to change the county seat to Exira. This time the proposition carried without serious opposition and Exira became the county seat.

In June, 1862, a petition was presented to the board of supervisors for a removal from Exira to Oakfield. This, however, was denied. Again in 1866 an attempt was made

¹⁶ *Past and Present of Appanoose County, Iowa* (1913), pp. 84, 85, 86; *Laws of the Territory of Iowa, 1845-1846*, pp. 55-58.

to secure a vote for a removal from Exira to Louisville. This also failed.

During the years of 1872 and 1873 the county seat contest was renewed in earnest. An attempt was made to select a place called Hamlin. A petition for this purpose was circulated and a remonstrance followed. Many of the citizens signed both. The law at this time was not clear in regard to such cases, and it was the custom to accept as final the signature last given. This gave rise to the use of printed slips on which the signer might indicate the way in which he wished to vote, also the date, the day, the hour, and even the minute at which the signature was given. After much excitement had been created relative to the petition and remonstrance, the case was argued before the board of supervisors. The argument presented by the Exira faction was that there was no such place as Hamlin recorded in the county, and it would therefore be improper to vote upon a removal. This argument prevailed and no election was called. Thus Exira remained the county seat.

In 1873, however, the contest was renewed. The plat of the town of Hamlin having been executed and recorded, another petition was presented to the supervisors asking for a vote upon the proposed removal of the county seat to that place. To win the contest at this time the citizens of Exira promised to erect public buildings for the use of the county officers free of expense to the county. As times were hard, and ready money difficult to obtain, such a proposal was an important factor in winning votes and Exira retained the county seat by a large majority and the citizens of Exira erected a courthouse which served the county until 1879.

The county seat fight of 1879 between Audubon and Exira seems to have surpassed in enmity those of an earlier date. Many settlers had come to the county since 1873. The

northern part of the county especially had increased greatly in population and in 1878 the Rock Island Railroad Company built a road from Atlantic to Audubon. Thus the railroad interests were concerned with securing a removal of the county seat. Indeed, it is reported that the railroad company employed men to erect a new courthouse before a vote upon the question of removal was taken. Moreover, the influx of a transient population, due to the additional work in building the railroad, together with the rapid and permanent growth of the town of Audubon, were potent factors in determining the result of the election. The result was that Audubon won by more than two hundred votes, and the county records were immediately removed to that place.

Following the location of the county seat at Audubon, there seems to have been very little agitation for a relocation until 1905. In that year an election was ordered on the proposition of issuing bonds to the amount of sixty-five thousand dollars for the erection of a new courthouse at Audubon. This brought opposition from Exira and the business men there executed a bond for forty thousand dollars, binding themselves to build a courthouse free of charge to the county if the county seat were returned to that place. Nothing came of this proposal, however, except that it defeated the bond issue: the county seat was retained at Audubon and remains there at the present time.¹⁷

Benton County.—In December, 1837, the county of Dubuque was divided, and fourteen new counties were formed. Benton was one of this group but was not organized until 1846. In January of that year a law was passed which provided for its organization, and Joseph A. Secrest, Lyman Dillon, and Joseph A. Downing were appointed as

¹⁷ *History of Audubon County, Iowa* (1915), pp. 46, 48, 144–158.

commissioners to locate the county seat.¹⁸ The commissioners met on the first Monday of May, 1846, and selected the northeast quarter of section 21, in Taylor Township as a site for the county seat. The name first adopted was Northport. At the time of holding the first district court in Benton County in August, 1846, it appears that no suitable building was provided at Northport, and court was therefore held at the house of Thomas Way about two miles northeast of the present site of Vinton. The county commissioners provided for the erection of a log courthouse at Northport, the building to be 20x24 feet in size. They arranged also to have the town surveyed and platted. This plat was not recorded until February, 1848. At this time the town received the name of Vinton, Plynn Vinton, a member of Congress from Ohio, having sent \$50 to be invested in town lots provided the town should be named for him. The September term of court in 1848 was held in the log courthouse at Vinton.

In the fall of 1848 parties owning land lying in section 16 attempted to have the county seat moved to this location. A petition was presented to the legislature, and a law was passed permitting the removal of the county seat to any place which might receive a majority vote. As a result of this law the advocates for removal of the county seat to section 16 came very near having it moved farther than they wanted—to the other side of the river in section 3. Permission having been granted to vote upon a change of location there appeared advocates for two different sites. One group favored lots numbered 5, 6, 7, 8, in section 16; the other preferred section 3. The election which was held on April 2, 1849, resulted in a tie—each of these places receiving fifty-seven votes.

¹⁸ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132; *Laws of the Territory of Iowa, 1845-1846*, p. 86.

As no place was given a majority of the votes cast, another election was called for August, 1849. It is reported that Thomas Way, more familiarly known as "Uncle Tom", favored the location in section 3. Moreover, he controlled seven votes, all of which were cast in favor of that location at the April election. To avoid a repetition of this at the August election, John Alexander and John Royal went to "Uncle Tom" Way with the proposition that if he would cast his seven votes in favor of the lots selected in section 16, they would in turn exert an influence to have him elected to the office of treasurer and recorder. "Uncle Tom" agreed to this and the votes were cast accordingly, with the result that the county seat was located on the lots in section 16. Thomas Way, however, was not elected to the office.

In November following the election James Leverich, who had purchased the land selected in section 16, laid out a town which he called Fremont. This became the county seat, with the town of Vinton lying in the adjoining section. But owing to the fact that there was another town of Fremont in the State, the name of Fremont was changed to Vinton by an act of the legislature approved on January 21, 1853. Thus Vinton was made to extend northward to include part of section 16, which had been designated as the county seat. Since 1853 there seems to have been no effort to relocate the seat of justice of Benton County and Vinton retains the position thus obtained at an early day.¹⁹

Black Hawk County.—Black Hawk County was established in 1843, and was organized under the general law for the organization of counties passed in 1853. On January 22, 1853, the same day on which the general law for the organization of counties was approved, the legislature passed an

¹⁹ *History of Benton County, Iowa* (1878), pp. 316, 329-332; *History of Benton County, Iowa* (Illustrated), Vol. I, pp. 73-75.

act which provided for the location of the county seat of Black Hawk County. A. J. Lowe, S. S. McClure, and Edward Brewer were named as commissioners. In the following June the commissioners met at the house of E. D. Adams and selected the town of Cedar Falls as the county seat, the choice being determined by the fact that Cedar Falls was at that time the largest town in the county. Waterloo soon sprang into prominence, however, and being located nearer the geographical center of the county it at once attempted to secure the county seat. In January, 1855, a law was passed authorizing a vote to be taken upon the question of a removal to Waterloo. In order to defeat the plans of the Waterloo advocates, Moses W. Chapman presented a petition to the county court asking that a town plat called Florence City, located in the southern part of the county, be approved and recorded, and on the same day a petition was presented requesting that a vote be taken upon the question of removing the county seat to Florence City. The court ruled that the petition was in conflict with the law already passed which provided for a vote to remove the county seat to Waterloo, and furthermore that Florence City was a place unknown to the court. The election for a removal of the county seat to Waterloo was held on April 2, 1855, with the result that Waterloo won by a majority of 128 votes. In accordance with the result of this vote the county judge issued a proclamation that on the 4th day of July, 1855, the county seat should cease to be at Cedar Falls and should thereafter be at Waterloo. The opponents of the removal alleged fraud in the election and secured an injunction restraining the removal at the time designated. A motion to dissolve this injunction was later sustained and on July 27, 1855, the records were removed to Waterloo.²⁰

²⁰ Van Metre's *History of Black Hawk County, Iowa* (1904), pp. 39, 50; *History of Black Hawk County, Iowa* (Illustrated), Vol. I, pp. 57, 60, 61.

Although the spirit of rivalry between the towns of Cedar Falls and Waterloo ran high for a number of years, Waterloo has steadily maintained its position as the county seat.

Boone County.—By an act of the legislature, passed on January 13, 1846, twelve new counties were established. One of these was Boone County. It was organized in 1849, but at this time no county seat had been provided and county business was transacted at the homes of the officers. Meetings of the board of county commissioners were likewise held at private homes. At a meeting of the county commissioners in January, 1851, a schoolhouse was designated at which future meetings should be held. This continued to be the meeting place until a county seat was located.

When the legislature met in the winter of 1850 it was presented with a petition asking for the location of a county seat. In response to this petition the General Assembly passed an act on January 21, 1851, by which David Sweem of Marion County, S. K. Scovill of Dallas County, and Samuel Haworth of Warren County were appointed commissioners to locate the seat of justice. At the time agreed upon for a meeting, Mr. Sweem appeared ready to assume his duties, but owing to recent rains and high water in the rivers, neither of the other commissioners appeared. Mr. Sweem could not select a location without the aid of at least one of the other commissioners. Finally he became impatient at waiting and decided to return to his home, but as the citizens were anxious to have the matter settled they dispatched a messenger to Dallas County to get Mr. Scovill. Upon the arrival of the second commissioner the two men agreed upon a location in the northwest quarter of section 29 in Des Moines Township, and gave it the name of Boonesboro.

The new county seat town flourished for a number of years, but in 1865 when a railroad extended into the county leaving Boonesboro a mile or two from the line, a rival town called Montana sprang up, and became a strong competitor of the county seat town. Gradually the citizens of Boonesboro began to move to Montana and in 1871 the name of Montana was changed to Boone. On the 21st of March, 1887, the territory which constituted the former town of Boonesboro was annexed to the city of Boone. No reference was made at this time, however, to the name of Boonesboro and that name was retained by the county seat until the legislature convened in 1888, when a law was passed which provided that the name of the county seat should be Boone instead of Boonesboro. Thus by extending its boundary lines, and by securing a change in the name of the original town of Boonesboro, the city of Boone became the county seat of Boone County.²¹

Bremer County.—Bremer County, one of the fifty established in 1851, was attached to Black Hawk County on January 22, 1853. Two days later, on January 24th, an act was passed which named James Wood of Black Hawk County, Thomas Clark of Butler County, and O. H. P. Roszell of Buchanan County as commissioners to locate the county seat.²² In May of the same year the commissioners met and located the county seat at Waverly on the Cedar River. This was one of the first towns to be established in the county. Its early settlement, its steady but gradual growth, its position as a commercial center, together with its excellent railway facilities, has made Waverly a desir-

²¹ *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75; *History of Boone County, Iowa* (1880), pp. 352, 359-362; *History of Boone County, Iowa* (1914), Vol. I, pp. 95-110, 431, 432; Gue's *History of Iowa*, Vol. III, p. 312; *Laws of Iowa, 1888*, pp. 223, 224.

²² *Laws of Iowa, 1852-1853*, pp. 86, 155.

able county seat location in spite of the fact that it is some distance from the geographical center of the county. No well organized attempt has been made to relocate the seat of justice, and so from the date of the organization of the county until the present time, Waverly has remained the county seat of Bremer County.²³

Buchanan County.—Buchanan County was one of the fourteen counties established when the county of Dubuque was divided in 1837. It was organized under the general provision of the law of February 24, 1847.²⁴ Indeed, on the same day that this general law was approved another law was passed which provided for the location of a seat of justice in Buchanan County. Lyman Dillon of Dubuque County, Thomas S. Denson of Jones County, and Sylvester Stephens of Jackson County were appointed as locating commissioners. They were instructed to meet on or before the first Monday in July, and to make a selection as near the geographical center of the new county as they deemed proper, taking into consideration present and possible future population.²⁵ These men met some time during the month of June, 1847, and after due examination and consideration of the proposed sites selected the town of Independence as the county seat. The selection was a fortunate one. The town was relatively near the center of the county, and was situated on the Wapsipinicon River. This fact added to the prominence of the town during the early years of the county's history. Later two railways made a junction at Independence, thus providing excellent shipping facilities and aiding materially in making the town the

²³ *History of Butler and Bremer Counties, Iowa* (1883), pp. 799, 800.

²⁴ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132; *Laws of Iowa, 1846-1847*, p. 115.

²⁵ *Laws of Iowa, 1846-1847*, p. 121.

commercial and political, as well as the geographical, center of the county. This combination of favorable circumstances has rendered a county seat contest improbable and thus prevented a feeling of enmity in Buchanan County such as has so often arisen in connection with these contests in other counties in Iowa.²⁶

Buena Vista County.—Buena Vista County was one of the fifty counties established on January 15, 1851. It was organized under the general organization law of 1853, although its organization was not perfected until 1858.²⁷ Shortly after the date of organization Judge Asahel W. Hubbard appointed D. Carr Early of Sac City, John Kindlespeyer of Clay County, and a Mr. Sauter, whose place of residence does not appear, as commissioners to locate the county seat. The only settlement of any consequence in the county at this time was along the river at Sioux Rapids and after some deliberation the commissioners agreed upon the northeast quarter of section 18 in Lee Township as the site for the county seat. This location was about a mile southeast of the town of Sioux Rapids and was given the name of Prairieville. No courthouse was built, and indeed few, if any, buildings were erected on this site. Prairieville was merely a paper town. In spite of this, however, it remained the nominal county seat for a number of years.

In January, 1869, a petition was presented to the board of supervisors asking them to remove the county seat to section 7 in the same township, this being the site of the town of Sioux Rapids. This change was made and block 12

²⁶ *History of Buchanan County, Iowa* (1914), Vol. I, p. 509; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 380; Tuttle's *An Illustrated History of the State of Iowa* (1876), p. 440.

²⁷ *Laws of Iowa, 1850-1851*, p. 34; *Past and Present of Buena Vista County, Iowa* (1909), pp. 67-70.

of the town of Sioux Rapids was given to the county for the site of a courthouse, the various county officers, prior to that time, having conducted the business of the county at their own homes. In 1869 a contract was given for the building of a courthouse, but as some of the people of the county were opposed to the location an injunction was issued restraining the construction and matters were delayed until in May, 1870, when the injunction was dissolved and the erection of the building begun.

By this time the population in the southern part of the county had increased to a considerable extent. The citizens there were naturally opposed to the location of the county seat in the extreme northern part of the county and in September, 1872, a petition was presented to the board of supervisors asking for a vote upon the question of removing the county seat to the town of Newell. At the same time Storm Lake presented a petition asking that the county seat be located there. A three-cornered fight ensued, the result of which was that the votes in the southern part of the county were divided between Newell and Storm Lake, while those in the northern part were cast in support of Sioux Rapids, and so no change was made.

Four years later, in 1876, another attempt was made to secure a change of the county seat. By this time Alta, Newell, and Storm Lake each had some hope of eventually winning the honor, hence there was not sufficient unity in the southern part of the county and again Sioux Rapids won the contest.

On January 1, 1877, the courthouse at Sioux Rapids was burned to the ground, together with all of the records, except those of the board of supervisors. A motion to rebuild was lost and official business was for a time conducted in a schoolhouse. This was the opportunity for those desiring a change, and in the spring of 1878 a petition was presented

asking that the question of removal be again submitted to a vote. With this petition came a proposition from some of the citizens of Storm Lake to furnish grounds and a building for court purposes for a period of ten years, if that place were selected, and when the question came to a vote Storm Lake won by a majority of about seven hundred votes. On October 14, 1878, the board, having canvassed the vote, ordered that the county seat be removed to Storm Lake. On the following day teams were sent from Storm Lake to Sioux Rapids to transport the records and equipment of the county officers. It is reported that parties in charge of this expedition anticipated some resistance on the part of the citizens of Sioux Rapids, and accordingly took with them a goodly supply of refreshments as a token of peace. To what extent this was instrumental in averting a conflict does not appear. At any rate the records were secured without opposition and taken to Storm Lake.²⁸

Butler County.—The struggle for the county seat in Butler County extended over a number of years and involved many interests. This condition was due largely to the fact that when one locality succeeded in securing the seat of justice a number of other communities would band together in an effort to secure a removal.

The county was established on January 15, 1851, and later during the same year was attached to Buchanan County. In May, 1853, Judge Roszell of Buchanan County appointed commissioners to locate the county seat. When these men met to perform their duty they were met by interested parties and were induced to make the location about a mile north of the present site of Clarksville. As the commissioners were about to drive the stake to mark the chosen site, however, other parties appeared. The commissioners were

²⁸ *Past and Present of Buena Vista County, Iowa* (1909), pp. 67-70.

persuaded to look further and finally agreed upon the present site of Clarksville. In 1858 a new courthouse, 40x60 feet, was completed at Clarksville, at an expense of \$20,000 to the county.

Even before this building was completed a spirit of rivalry sprang up among the several towns of the county, each one coveting the seat of justice. With a hope of unifying the various interests, a town was platted and recorded embracing forty acres of land at the geographical center of the county and was given the name of Georgetown. As a paper town, Georgetown presented a favorable appearance. No buildings were erected, however, for the prospective village was to remain unbuilt until after the vote on the question of removal. A petition asking for an election was circulated and very generally signed, except by the citizens of Clarksville. The request was granted and an election was held in April, 1858, with the result that Clarksville received 327 votes and Georgetown 320, a majority of 7 votes for Clarksville. Thus Georgetown, instead of becoming a county seat town, became as one author expressed it "An admirable corn-field".

This vote served only to stimulate more interest in the project to defeat Clarksville and in the fall of 1858 an agitation was started to move the county seat to Butler Center — a town near the center of the county, but without railway facilities. A petition asking for a vote on the proposed change was circulated and signed by four hundred persons. The petition was granted and an election was held on April 4, 1859. When the ballots were counted it appeared that Butler Center had a majority of 21 votes. This was an occasion for great rejoicing at Butler Center. The Clarksville citizens, however, were not satisfied with the result, and secured an injunction restraining the removal of the county seat until the case could be tested in the courts. In

the following July, the district court declared the election void because of certain irregularities. Under this decision Clarksville retained the county seat.

The people of Butler Center were not disheartened. They continued their agitation until early in 1860, when a petition asking that another vote be taken was signed by more than four hundred voters and presented to the board of supervisors. This petition was granted and on April 2, 1860, the election was held. A canvass of the returns showed that Butler Center had a majority of eighty votes and the county seat was removed to that place. The courthouse used at Butler Center, together with two acres of land, was donated to the county for official purposes. It was a very unpretentious frame structure, 26x36 feet in size and two stories high. The court room was on the second floor and was reached by means of an outside wooden stairway.

The seat of justice remained at Butler Center for about twenty years. Again and again during this time petitions were presented to the board of supervisors asking for a removal of the county seat to other points, but in each case Butler Center obtained a majority vote and thereby retained the honor. Finally upon the building of the Dubuque and Dakota Railroad across Butler County and the establishment of the town of Allison near the geographical center of the county it became apparent that the question would come again to a vote. In the summer of 1880 the people of Bristow announced that they would circulate a petition asking for a removal of the county seat to their town and Allison seized this opportunity to enter the contest. A petition for a vote upon the question of removal from Butler Center to Allison was also circulated and this petition was the more popular of the two. It was duly granted and at the November election Allison secured the county seat by a majority of 265 votes. As an inducement for the removal,

the people of Allison promised to donate ten acres of land and to erect a courthouse. This they were ready to do when the transfer was made, but public sentiment demanded a better building than the one which the people of Allison proposed to provide and it was agreed that the town should contribute \$7000 in cash in lieu of the building. This was done and the better building was erected.

The central location and natural advantages of the town of Allison make it a desirable county seat town — one which can serve the needs of all of the people of the county. No further contest is anticipated.²⁹

Calhoun County.— Calhoun, formerly called Fox County, together with other counties already mentioned was established in 1851. It was organized in 1855, and in the fall of the same year a petition was presented to Judge C. J. McFarland of the fifth judicial district asking that action be taken toward the location of a county seat. After hearing the petition the judge appointed William Phillips, John F. Howes, and Rufus Keigley as commissioners and instructed them to meet at the house of Peter Smith for the performance of their duty. The commissioners met at the time and place designated and selected the south half of the southeast quarter of section 27 and the north half of the northeast quarter of section 34 in township 87 north, range 33, and gave the site the name of Brooklyn. The site of the town thus selected was about four miles northeast of the present town of Lake City.

The location at Brooklyn was never satisfactory to the people of the county, and it was widely condemned. Consequently, on January 7, 1856, a petition was presented to the county court, asking for a change. An election was granted and a majority of the votes were found to favor a reloca-

²⁹ *History of Butler and Bremer Counties, Iowa* (1883), pp. 232, 303-306.

tion. The place selected was the present site of Lake City. On May 10, 1856, Charles Amy was employed to lay out the town and three days later Alford White and Peter Smith deeded the land to the county, in consideration of one-half of the proceeds arising from the sale of town lots. A courthouse was built the following year.

For several years Lake City retained the county seat with little opposition. Shortly after the Civil War, however, the population began to extend to the northern part of the county. Several new townships were established, the Illinois Central Railroad was built through the northern part of the county in 1870, and by 1875, Manson and Pomeroy had become villages of considerable size. It is not strange then that these conditions led to a movement for a removal of the county seat to a more nearly central location. A committee of citizens was chosen to select a site and prepare a petition asking the board of supervisors to order an election for the purpose of voting upon the proposed site. G. R. Pearson of Fort Dodge offered to donate such land as might be required if location were made in section 19, in Center Township. John M. Rockwell then proposed to donate every other lot in a twenty acre tract of land in section 36 in Twin Lake Township, this being almost the exact geographical center of the county. The latter offer was accepted by the committee and a petition for a vote to make this site the county seat was presented to the board of supervisors. In response to this request an election was ordered to be held in connection with the general election on November 7, 1876. The proposition for removal was carried by a substantial majority, and Rockwell City became the county seat. The first session of the board of supervisors held at the new county seat convened in October, 1877. There has been no further agitation for removal.³⁰

³⁰ *Past and Present of Calhoun County, Iowa* (1915), Vol. I, pp. 55, 68-71.

Carroll County.—Carroll County, established in 1851, was attached to Guthrie County in February, 1855. In the fall of the same year, it was organized under the direction of Judge James Henderson and in April, 1856, a petition was presented to the district court asking for the appointment of commissioners to select a site for the county seat. Judge E. H. Sears, in response to this request, appointed William L. Henderson, John Purdy, and S. M. Ballard to act in this capacity and directed them to perform their duty within two months. Mr. Ballard failed to act, but the other two men met on June 4th and two days later made their report, having selected a site which they named Carrollton.

Carrollton remained the county seat until 1868. In the meantime, the railroad had become an important factor in the development of the county. The Chicago and Northwestern road passing from east to west through the county left the town of Carrollton several miles to the south, passing through the town of Glidden and on west through the center of the county. The terminus of the road was for a time at Glidden thus stimulating an unusual interest in that place.³¹ As the road was extended westward, the railroad interests as well as the general interests of the county pointed toward a relocation of the county seat. A central location on the railroad was desired. With a view of securing such a change a petition was signed by sixty-seven citizens of the county and presented to the board of supervisors in August, 1867, calling for a vote on the removal of the county seat from Carrolltown to the new town of Carroll located near the center of the county. The petitioners asserted that the location at Carrollton was not convenient to a majority of the citizens of the county, that it was not

³¹ *Biographical and Historical Record of Greene and Carroll Counties, Iowa* (1887), pp. 643, 644, 651; *History of Carroll County, Iowa* (1912), Vol. I, pp. 29, 78, 79, 226.

centrally located while Carroll was located within a mile of the geographical center and was situated on the railroad. The petition also asserted that a majority of the citizens preferred Carroll and that grounds and buildings had been promised free of charge to the county if the county seat were removed to that place. The petition was granted and at the election eighty-eight votes were cast for removal and thirty for retaining the original location.

It appears that there were two factions who were opposed to the removal: the citizens of Carrollton who were interested in retaining the county seat and the citizens of Glidden who hoped to secure the honor for their own town. Glidden was at this time a place of considerable importance. The terminus of the railroad while located there had stimulated its growth. Moreover, it was nearer the center of the county than Carrollton. These forces opposed to the location at Carroll petitioned the board of supervisors asking that the vote for removal be rejected, asserting that the petition to relocate was not drawn up according to law, that the legal voters of the county did not have sufficient notice of the impending election, and that, although the vote was upon a removal to Carroll City, there was in fact according to the records no such town in the county. The supervisors, however, refused to consider the arguments of these petitioners and ordered a removal to the town of Carroll. The people of Glidden have always claimed that unfair means were used to secure the removal. "The transfer was made during the night, when Glidden was sleeping. Otherwise, and with general notice that the capital was about to take wings, there might have been opposition suited to the rough nature of the times." Years, however, have tended to mellow the spirit of strife that existed in those early days. Carroll, in fact, is very favorably situated for a county seat town. The mere matter of location gives it a position in the

county more favorable than that of Glidden. The fair-minded citizens of Glidden have now come to recognize that the removal to Carroll was a fortunate one, although the methods employed may have been subject to criticism.³²

Cass County.—Cass County was one of the fifty established in 1851, and during the same year commissioners were appointed to locate the county seat. It appears, however, that these commissioners did not act and that county organization and the location of the county seat were postponed until 1853. In March of that year commissioners selected the town of Lewis as the county seat. This location very soon proved unsatisfactory, and as early as January, 1855, a bill was passed by the legislature which provided that the question of removal should be submitted to a vote of the people. Provision was further made that if the votes disclosed that a majority of the people wanted a change in the county seat, a new site should be chosen, and Peter Hedge, Barton Garvin, and Jeremiah Bradshaw should act as locating commissioners.³³ Although the records do not show the result of the vote upon this question, it is known that no change in location was made at this time. Indeed, although the question of removal continued to be agitated, no change was made until the year 1869. In the fall of 1868 the town of Atlantic was laid out on the Chicago, Rock Island, and Pacific Railroad, and after a bitter contest the county seat was removed to Atlantic in 1869, where it has since remained.³⁴

³² *Biographical and Historical Record of Greene and Carroll Counties, Iowa* (1887), pp. 644–651; *History of Carroll County, Iowa* (1912), Vol. I, pp. 78, 79.

³³ *Laws of Iowa, 1850-1851*, pp. 28, 57, 1851-1852, pp. 22, 23, 1854-1855, pp. 221, 222.

³⁴ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 405; Gue's *History of Iowa*, Vol. III, pp. 322, 323.

Cedar County.—The law which divided Dubuque County on December 21, 1837, established Cedar County, and provided that the seat of justice should be “located and established at Rochester”. Dissatisfaction soon became apparent, however, for on June 22nd of the next year a bill was passed by the legislature to relocate the seat of justice, and provision was made for raising the sum of \$200 to defray the expense of removal. It does not appear, however, that any action was taken under this law and the county business continued to be transacted at Rochester.³⁵

At the second session of the legislature of the Territory of Iowa, the question was again raised, and on December 31, 1839, another law was passed providing for a relocation of the county seat. The commissioners were authorized to give consideration to the geographical center of the county, keeping in mind the “advantages of health, convenience of timber, and facility of obtaining water, together with the proper accommodation of the inhabitants”.

This commission met on the ninth day of March, 1840, at the town of Rochester, and selected a site to which they gave the name of Tipton. Accordingly Tipton became the county seat, and the county commission held its first meeting at that place in April, 1840. The contest did not end here, however. The friends of Rochester devised various schemes to overcome the prestige of the new town in the center of the county. One of these schemes was to secure water transportation from Rochester to the Mississippi River. This plan seemed plausible for a time, but the coming of the railroad to other parts of the county eventually rendered it less important and it was finally dropped.

Another plan to regain the county seat was shown in a petition circulated by the Rochester people, asking the legis-

³⁵ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 135, 545; *History of Cedar County, Iowa*, pp. 53, 62.

lature to pass a law enabling the people to vote again upon the question. In reply to this petition a remonstrance was drawn up by the friends of Tipton. The matter then rested with the territorial legislature which, after much discussion, voted to allow the matter to stand as it was, thus leaving the county seat at Tipton. The result of this vote led the people of Rochester to carry their contest into the election campaign for representatives to the legislature, for it became apparent that power over the lawmaking body must be secured in order to control the location of the county seat. The friends of Rochester, however, were not successful in carrying their plan into effect and the county seat remained at Tipton.

As late as the year 1852 there was some hope of again securing the coveted county seat on the part of the friends of Rochester. In that year a petition was signed asking for a vote upon the subject. It seems that the poll book of this election has been lost, but at all events no change of location resulted and Tipton has long since been given undisputed recognition as the seat of justice of Cedar County.³⁶

Cerro Gordo County.—Cerro Gordo is included in the group of counties that were established in January, 1851. In the spring of 1855 it was attached to Floyd County as a civil township and in the fall of the same year was organized as a separate county. Soon after the organization was completed Judge Samuel Murdock of the district court appointed commissioners to locate the county seat. These commissioners who were from Floyd County favored Mason City as the site for the new county seat. Shortly after the August election in 1855 the commissioners met and, after

³⁶ *Laws of the Territory of Iowa, 1839-1840*, pp. 23, 24; Gue's *History of Iowa*, Vol. I, p. 324; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 399; *History of Cedar County, Iowa*, pp. 13, 60, 62, 67, 68, 73, 107, 510.

viewing a number of available sites, decided upon Mason City as being the most suitable. County seat stakes were driven and for a time Mason City was looked upon as the seat of county government.

The selection, however, was not satisfactory to the settlers in the western part of the county, who had hoped to have the county seat located at some point near Clear Lake. These settlers, therefore, set about undoing the work of the commissioners. When the Sixth General Assembly convened at Iowa City, in December, 1856, a petition was presented asking for the appointment of three new commissioners to relocate the county seat of Cerro Gordo County. The petitioners were successful and in January, 1857, a bill was passed which appointed Stephen H. Henderson of Mitchell County and James Taggart and George McCoy of Benton County as a commission "to Name and locate the seat of justice of Cerro Gordo county." These commissioners were directed to meet at the village of Clear Lake on the first Monday of February, 1857, or within ninety days thereafter, to locate a county seat, taking into consideration the present and future welfare of the county.³⁷

The committee met on April 29, 1857, and after some investigation selected a site in section 18, in what was later known as Lake Township. To this location they gave the name of Livonia. During the summer of 1857 a courthouse was erected upon the newly selected site, and in the fall of the same year the records were moved from Mason City to Livonia.

From the time of its selection there was opposition to the new location. In February, 1858, the county court convened at Mason City, but was adjourned to meet again at Livonia. At this time a petition was presented to the court asking

³⁷ *History of Franklin and Cerro Gordo Counties, Iowa* (1883), pp. 603, 604; *Laws of Iowa, 1856-1857*, p. 105.

that an election be held in April for the purpose of allowing the citizens to vote on the question: "Shall the county seat of Cerro Gordo county be removed from Livonia to Mason City?" The petition was granted and the election called for the first Monday in April. The result of the election was a majority of 107 in favor of Mason City and the seat of justice was returned to that place where it has since remained.³⁸

Cherokee County.—Cherokee County traces its origin to the establishing act of 1851. It was temporarily attached to Woodbury County then known as Waukaw, and was designated as Cherokee Township. Soon after the county was organized in the fall of 1857, the court appointed three commissioners to locate the county seat. These commissioners met and selected the village of Cherokee, later known as Old Cherokee, which was located on section 22 and 23 of township 92, range 40.

In 1861 taxes were voted for the purpose of building a courthouse which was to be thirty feet square and two stories high, the contract price being fixed at \$1900. This building was not occupied until 1864. In the meantime the county business was transacted in the private buildings of the county officials.

The construction of the railroad in Cherokee County in 1870 gave rise to an agitation for a change of the county seat. At the general election held in the fall of 1871 the proposition was voted upon to remove the courthouse and the county seat to New Cherokee, which was platted. The chief argument for the change was the fact that a railroad had passed through the county at a point a mile or two southwest of the original town of Cherokee.

The question of removal met with very little opposition

³⁸ *History of Franklin and Cerro Gordo Counties, Iowa* (1883), pp. 603, 604.

— there being only seventy-six votes cast for retaining the original location and in January, 1872, a committee was selected by the board of supervisors to move and repair the courthouse. Thus Cherokee County is one of the comparatively few counties in Iowa which has avoided a long continued county seat contest.³⁹

Chickasaw County.— Chickasaw County, like most of the counties previously considered, was one of the group of fifty which was established in 1851. It was later attached to Fayette County for election purposes, but in 1853 was organized under the direction of the judge of Fayette County. The citizens of the county then petitioned the judge of the district court asking that commissioners be appointed to select a county seat. These were appointed, and on August 14, 1854, they made a report in which they designated the town of Bradford as the county seat.

The town thus selected was located near the southwest corner of the county. It is not strange, therefore, that an agitation for changing the county seat was soon forthcoming. At the February term of the county court in 1856, a petition signed by two hundred and twenty-five citizens was presented asking that at the next April election a vote be taken upon the question of moving the county seat to New Hampton. The canvassers who counted the votes declared the election a tie, each location having received two hundred and three votes. In reaching this conclusion, however, they had rejected the returns from Washington Township, on the ground of irregularity. Action was brought in the district court to secure a recount. It was argued that the board of commissioners had no authority to reject the ballots, but that upon finding irregularities the ballots should have been returned to the township officers for correction and the

³⁹ *Biographical History of Cherokee County, Iowa* (1889), pp. 246-248.

returns of the canvass withheld until such correction could be made. The case was never fully adjudicated. A change of venue was asked for, but fees were not provided with which to pay for the transcript. As a result the case was not tried and the county seat remained at Bradford under the decision of the board of canvassers as first given. In the spring of 1857, however, the county seat was removed to New Hampton.

In April, 1858, a petition was signed by nearly four hundred voters asking for a removal of the county seat to Forest City. A vote was taken in April, Forest City was declared to have a majority of the votes, and Judge Lorenzo Bailey ordered the county seat to be removed there. He also adjourned court at New Hampton to meet again at Forest City. Again the vote of Washington Township was excluded, on the ground that the poll list was not available, and ten votes from Deerfield Township were also rejected.

As soon as the order of the court authorizing a removal was obtained, the work of transporting the records and furniture began — in fact teams were waiting in readiness for the task before the order was given. At first there was some indication of resistance on the part of the people of New Hampton, but upon more deliberate consideration the Forest City people were allowed to continue their work. The New Hampton faction appealed to the courts and won their case with the result that the records were returned to New Hampton, where they remained without further contest for a number of years.

On the evening of March 26, 1880, the old courthouse at New Hampton was destroyed by fire. A few days later a petition was presented to the supervisors urging that they take immediate steps to rebuild the courthouse at New Hampton as soon as it could legally be done.

This petition brought forth opposition from the citizens

of Nashua and vicinity, who suggested the removal of the county seat to that place. On the third of April a meeting was held at the town of Lawler and a resolution passed protesting against the appropriation of money to build a new courthouse until the town in which it was to be built had made a liberal contribution toward the building fund. The citizens of New Hampton in response to this challenge appointed trustees to raise the sum of \$5000, "or as much of it as was needed to complete the court house building", to be given to the county provided the county appropriated the sum of \$5000 in addition.

This offer met with the objection that little more than \$5000 would be needed, and thus only a small part of the money offered by the city would be used. The citizens of Nashua then offered to erect a suitable building at a cost of \$25,000, which the county might use as a courthouse at a nominal rental of one dollar per year.

A petition was then circulated asking the board of supervisors to authorize a removal of the county seat to Nashua. A remonstrance was likewise signed and upon investigation it was found to contain more signatures than were represented on the petition. The board thereupon rejected the petition and authorized the building of a new courthouse at New Hampton.⁴⁰

Clarke County.—Unlike many of the other counties in Iowa, Clarke County settled the question of the location of a county seat without serious contest. By legislative enactment of January 13, 1846, twelve new counties were established of which Clarke County was one.⁴¹ It was organized

⁴⁰ *Laws of Iowa, 1852-1853*, p. 29; *History of Chickasaw and Howard Counties, Iowa* (1883), pp. 125, 149-164; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 414.

⁴¹ *Laws of the Territory of Iowa, 1845-1846*, p. 75.

in 1851 under the provisions of the general law for the organization of counties at that time. As this law did not provide for the location of a county seat, it was necessary to secure legislation authorizing such a location and the legislature on January 21, 1851, passed a law by which it appointed Beverly Tercy of Lucas County, James Graham of Warren County, and S. D. Bishop of Monroe County as commissioners to locate the seat of justice.⁴² These men met and selected the present site of Osceola. As the land thus selected by the commissioners was a part of the farm of George W. Howe, it was purchased from him, the consideration being one hundred dollars. The Burlington and Missouri Railroad was built through Clarke County, and through the county seat town in 1868, extending westward to the Missouri River. The coming of the railroad, the central location of the town of Osceola, and the comparatively rapid and steady growth of the town have all contributed to make Osceola the permanent county seat of Clarke County.⁴³

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⁴² *Laws of Iowa*, 1850-1851, p. 49.

⁴³ *Biographical and Historical Record of Clarke County, Iowa* (1886), p. 451; Gue's *History of Iowa*, Vol. III, p. 330.

SOME PUBLICATIONS

Chicago's Highways Old and New. By Milo M. Quaife, with an introduction by Joy Morton. Chicago: D. F. Keller and Company. 1923. Pp. 278. Plates, maps. In this volume Dr. Quaife presents in an interesting fashion the development of Chicago's highways from Indian trail to motor road. The opening chapter describes the birth of the metropolis of Chicago, following which separate chapters are devoted to a discussion of The Road to Chicago, The Vincennes Trace, The Road to Ottawa and the Southwest, The Thoroughfare to the Lead Mines, and The Green Bay Road. In the last half of the volume the author reconstructs for the entertainment of present day readers a picture of the almost forgotten life of the pioneer highways which made possible the growth of Chicago before the coming of the railroads.

Anecdotes and descriptions drawn from source materials reveal the hardships and romance of early travel, the crudities of tavern life, and the dangers of the highway which made every stage coach journey an adventure.

An appendix containing descriptions of places in Wisconsin, Illinois, Michigan, and Indiana serves as a guide to the chief points of historical interest within a day's journey of Chicago.

George W. Julian. By Grace Julian Clarke, with an introduction by William Dudley Foulke. Indianapolis: Indiana Historical Commission. 1923. Pp. 456. Plates. As the first volume of a new series of publications, the *Indiana Biographical Series*, the Indiana Historical Commission has published the life of George W. Julian, one of the leading statesmen in the history of the State. The biography was written by his daughter who had access to Julian's letters, his unpublished autobiography, his personal journal, and a scrap-book of newspaper clippings as well as his volumes of *Speeches on Political Questions*, *Political Recollections*, and *Later Speeches*. Furthermore, Mrs. Clarke was the intimate com-

panion and secretary of her father during the last years of his life and thus obtained his mature views on the political battles in which he had been engaged.

The biography is written in a pleasing style and reveals Julian's uncompromising attitude on the slavery question, his temperament, and high ideals. Although the biography is a sympathetic treatment of Mr. Julian, the author has not permitted family pride to prevent her from criticizing some of her father's acts.

The book is Volume XI of the *Indiana Historical Collections* and Volume I of the *Biographical Series*.

A Sergeant's Diary. By Elmer Frank Straub. Indianapolis: Indiana Historical Commission. 1923. Pp. 356. Plates. This volume presents the diary of an enlisted member of the One Hundred and Fiftieth Field Artillery, a unit of the famous Forty-second (Rainbow) Division. Sergeant Straub saw twenty-two months of service on all the important fronts where the American troops were engaged. He was a member of the battery commander's detail, scout detail, was responsible for the sector sketch work on the fronts occupied by his outfit, and was a special student in Glasgow University following the signing of the Armistice. As a result he had many unusual experiences, and his diary reflects vividly his impressions and experiences from October 27, 1917, to August 7, 1919.

Although written often under adverse and trying conditions the diary has considerable literary merit. It is written in a straightforward, interesting style with a bit of humor cropping out here and there. It gives the viewpoint of the man in the ranks anent the World War, and as such is valuable source material for a study of the war as seen by the fighting man himself.

An appendix containing an *Official Station List* and *Abbreviations and Expressions*, together with a brief index complete the contents of the book. This book is Volume III of the *Indiana World War Records* and Volume X of the *Indiana Historical Collections*.

Writings on American History, 1920, compiled by Grace Gardner

Griffin, has recently been published as a supplementary volume to the *Annual Report of the American Historical Association* for 1920.

The Future of Railway Control, by R. F. McWilliams, and *The Collapse of Bank-Deposit Guaranty in Oklahoma and Its Position in Other States*, by Thornion Cooke, are two of the articles in *The Quarterly Journal of Economics* for November, 1923.

The Settlement of New Netherland, 1624-1626, a paper by Royden W. Vosburgh, is one of the contributions to the January issue of *The New York Genealogical and Biographical Record*.

North American Indian Dwellings, an article by T. T. Waterman, published in *The Geographical Review* for January, is of unusual historical interest. It has numerous illustrations.

Historic Pilgrim Shrines, by Mrs. Alton Brooks Parker, *The Scotch-Irish in Pennsylvania*, by E. Melvin Williams, *The Indians of Bergen County, New Jersey*, by Frances A. Westervelt, *Some Usages of Long-Ago*, *Old Time Elocutionary Books*, by Charles A. Ingraham, and *Highland Scottish Clans*, by Joel N. Eno, are the chief contributions in *Americana* for October, 1923.

Four of the articles in the *American Anthropologist* for July-September, 1923, are the following: *Psychology, Anthropology, and Race*, by Robert H. Lowie; *American Feather-Decorated Mats*, by S. K. Lothrop; *On a Peculiar Type of Whistle Found in Ancient American Indian Graves*, by Bror Gustaver; and *The Náhuatl Chronology: Astronomical Significance of the Number Thirteen*, by Miguel O. Mendizabal.

The Provincetown Book, by Nancy W. Paine Smith, is an excellent example of a town or city history. Not merely a record of events, the volume presents a complete picture of the life of the people, the surroundings — including the birds, fish, and animals — and the organizations in the community. There is even a reproduction of the cemetery records.

Hamlin Garland has recently published a volume of Indian

stories under the title, *The Book of the American Indian*. The beauty of the book is increased by a series of full page pictures of Indian life, not so much illustrations of the stories as parallel interpretations of Indian life. These are reproductions of drawings by Frederic Remington originally published in *Harper's Weekly*. The stories and drawings constitute a memorial to the Indians and together make a volume of unusual interest and beauty, though not definitely history.

Altapascio — a Forgotten Order, by Ephraim Emerton, *Bismarck and Russia in 1863*, by Robert H. Lord, and *The Odyssey of Thomas Muir*, by Marjorie Masson and J. F. Jameson, are the three articles in *The American Historical Review* for October, 1923. The number for January, 1924, also contains three articles: *Law in History*, by Edward P. Cheyney; *American Opinion of the French Nineteenth-Century Revolutions*, by Eugene N. Curtis; and *Jacksonian Democracy in Massachusetts, 1824-1848*, by Arthur B. Darling. Among the shorter articles are *The Rifle in the American Revolution*, by John W. Wright, and *The History Inquiry*, by Edgar Dawson.

WESTERN AMERICANA

Minnesota in Panorama, an historical poem by John Talman, has been published in pamphlet form.

Midwest Portraits, by Harry Hansen, is a volume containing sketches of modern writers of the Middle West — chiefly from Chicago.

Business "Adventures" of Bateau Days is the title of a short paper in the September-November, 1923, issue of the *Burton Historical Collection Leaflet*.

Huron H. Smith is the author of a monograph on the *Ethnobotany of the Menomini Indians* which appears in the *Bulletin of the Public Museum of the City of Milwaukee* for December, 1923.

The Pioneer West is a collection of narratives relating to life in the far west, selected and edited by Joseph Lewis French. Hamlin

Garland contributes a foreword and the illustrations which are in color are by Remington Schuyler.

Stone Spades and Hoes, by C. E. Brown, is the chief contribution to *The Wisconsin Archeologist* for October, 1923. *A Report on the Wisconsin Winnebago, An Indian Spirit Stone*, and *Copper Implements in Northern Wisconsin* are short papers in this issue.

Henry Adams and the Writing of History, by George W. Sabine, and *The California Pioneers of '49*, by George C. Pardee, are two of the contributions in the *University of California Chronicle* for January.

Some Aspects of Early Intersectional Rivalry for the Commerce of the Upper Mississippi Valley, by George Ware Stephens, has been reprinted from the *Washington University Studies*, Vol. X.

A monograph by Alanson Skinner on *Observations on the Ethnology of the Sauk Indians* appears in the *Bulletin of the Public Museum of the City of Milwaukee*, dated August 30, 1923.

Seeing the Middle West, one of the series by John T. Faris, contains a short chapter on Iowa under the title *Along the Rivers of Iowa* which emphasizes the beauty of the State. The book contains numerous illustrations.

James H. Cook is the author of a collection of sketches entitled *Fifty Years on the Old Frontier*. It is divided into three sections — *Cow Waddies and Cattle Trails: Texas*; *Hunting Big Game: Wyoming*; and *The Apache War: New Mexico*.

Early Days on the Minnesota Prairies, by Frank Peterson, and *The Beginning of Swedish-American Education*, by Conrad Peterson, are two articles in the *Year-Book of the Swedish Historical Society of America*, Volume VIII, for 1922-1923.

The Story of Omaha from The Pioneer Days To The Present Time, by Alfred Sorenson, has been issued by the National Printing Company. This is a volume of frontier history, containing many anecdotes of pioneer people and events.

Volume twenty of the *University of California Publications in American Archaeology and Ethnology* is a memorial volume to Phoebe Apperson Hearst, who for many years was the chief supporter of the work of the Department and Museum of Anthropology at the University. In addition to a brief sketch of Mrs. Hearst's work, there are numerous articles on western Indians.

The Wheat Crisis, by John Lee Coulter, *The Duty of the State to Its Citizens When Sojourning Beyond Its Borders*, by G. Grimson, *The Stabilization of the Dollar*, by Dana J. Tinnes, *The North Dakota State Historical Society — Its Collections, Aims, and Purposes*, by Lewis F. Crawford, and *The Prospecting and Evaluation of Lignite Lands in North Dakota*, by Leonard P. Dove, are some of the articles in *The Quarterly Journal of the University of North Dakota* for November, 1923.

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Recollections of a Busy Life, a volume of reminiscences by Thomas J. Lomas of Cresco, has been recently published by Malcolm D. Lomas, a grandson.

Early Physicians in Iowa, by D. S. Fairchild, is one of the articles in *The Journal of the Iowa State Medical Society* for November 15, 1923.

Yankees, a collection of sketches by James L. Hill, contains considerable material on early Iowa, particularly the founders of Grinnell, the life of James W. Grimes, and the work of the Iowa Band.

The County Attorney — What Shall He Do to be Saved?, by William D. Evans, *Coöperative Marketing — An Iowa View*, by J. G. Mitchell, *Motor Bus Regulation in Iowa*, by William Chamberlain, and *Practice and Procedure in Rate-making Under the Iowa Statutes*, by O. N. Elliott, are four of the articles in the November, 1923, issue of the *Iowa Law Bulletin*.

A Diary of John S. Morgan, Company G, Thirty-Third Iowa Infantry, *Journalism of Northwest Iowa*, an address by Charles Ald-

rich, and *The Second Officer in the Government*, by William H. Fleming, are the three articles making up the *Annals of Iowa* for January, 1923. The April issue contains a *Sketch of Judge Edward Johnstone*, by J. M. Shaffer, and a continuation of John S. Morgan's diary. There is also a letter by Hiram W. Studley.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Albert, Henry,

Nevada's Natural Health Resources (University of Nevada Bulletin, November, 1923).

Aldrich, Charles,

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Briggs, John Ely, (Joint author)

The Legislation of the Fortieth General Assembly (The Iowa Journal of History and Politics, October, 1923).

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The Second-Rater (Collier's Weekly, November 4, 1923).

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SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Early days in southwest Iowa, by Charles H. Babbitt, in the *Council Bluffs Nonpareil*, September 30, 1923.

Sketch of the life of Robert C. Hall, in the *Cedar Rapids Gazette*, October 1, 1923.

First railroad station west of the Mississippi, in the *Davenport Times* and the *Davenport Democrat*, October 3, 1923.

More early history, by Joseph Giffey, in the *Orient Independent*, October 4, 1923.

Early steamboating on the Mississippi, by John Merkle, in the *Sabula Gazette*, October 4, 11, 1923, reprinted from the *Belle-vue Leader*.

Sketch of the life of Jane Knapp, in the *Cedar Falls Record* and the *Des Moines Tribune*, October 4, 1923.

Pioneer life in Dickinson County, in the *Spirit Lake Beacon*, October 4, 1923.

Early history of Hardin County pioneers, in the *Eldora Herald*, October 4, 1923.

The Atlantic-Northern Railroad, in the *Council Bluffs Nonpareil*, October 4, 1923.

Samuel J. Kirkwood, by Benjamin F. Shambaugh, and William Larrabee, by Paul Appleby, in the *Iowa Magazine*, October 4, 1923.

Typewriters invented by Iowans, in the *Des Moines Register*, October 5, 1923.

Boat building on the Cedar, by Henry Hesse, in the *Cedar Rapids Gazette*, October 5, 1923.

When Burlington was young, by J. L. Waite, in the *Burlington Hawk-Eye*, October 7, 14, 21, 28, November 4, 11, and December 9, 1923.

A circuit rider in early Iowa, in the *Newton News*, October 6, 1923, and the *Cedar Falls Record*, October 8, 1923.

Early history of Independence, in the *Waterloo Tribune*, October 7, 1923.

The first settlement in Iowa, by Edna Heller, in the *Burlington Hawk-Eye*, October 7, 1923.

A survivor of the "Light Brigade", in the *Des Moines Register*, October 8, 1923.

Sketch of the life of Eli Stutsman, in the *Davenport Democrat*, October 9, 1923.

Pioneer incidents, by S. V. Whitaker, in the *Bonaparte Record*, October 9, 1923.

Sketch of the life of John P. Irish, in the *Des Moines Register*, October 9, 1923.

The Mormon Trace, by H. W. Gittinger, in the *Chariton Leader*, October 9, 1923.

Marvin Scudder, Mexican War veteran, in the *Creston Advertiser Gazette*, October 6, 1923, *Des Moines Tribune*, October 10, 1923, the *Afton Star Enterprise*, October 11, 1923, the *Corning Union-Republican*, October 17, 1923, and the *New Market Herald*, October 25, 1923.

Fun in pioneer days, in the *Cedar Rapids Record*, October 10, 1923.

Early History of Clear Creek Township, in the *Keota Eagle*, October 11, 1923.

Early days in Calhoun County, in the *Manson Journal*, October 11, 1923.

Sketch of the life of Joseph Ainley, in the *Ottumwa Courier*, October 11, 1923.

A Benton County homestead, in the *Fort Dodge Messenger and Chronicle*, October 13, 1923.

Covered wagon days of the prairies, by W. T. Whitney, in the *Waterloo Courier and Reporter*, October 13, 1923.

Sketch of the life of Major William H. Fleming, in the *Des Moines Tribune* and the *Des Moines Register*, October 15, 1923, the *Des Moines Capital*, October 16, 1923, the *Des Moines Plain Talk*, October 18, 1923, *The Sac City Sun*, October 18, 1923, the *Davenport Democrat*, October 25, 1923, and the *Coon Rapids Enterprise*, October 26, 1923.

An early political rally in southern Iowa, in the *Fairfield Ledger*, October 16, 1923.

Miller and Henderson, by Truman S. Stevens, Wallace and Wilson, by James B. Weaver, in the *Iowa Magazine*, October 17, 1923.

Pioneer days in Earlville, by Laura C. Pierce, in the *Manchester Press*, October 18, 1923.

The sod shanty, in the *Manson Journal*, October 18, 1923.

Pioneer steamboating on the Tennessee River, by W. M. Nixon, in the *Burlington Saturday Evening Post*, October 20, 27, November 3, 10, 1923.

Sketch of the lives of Mr. and Mrs. J. F. Stephens, in the *Shenandoah Post*, October 19, 1923, and the *Clarinda Journal*, October 25, 1923.

History of Humboldt County, by Clarissa Hoff, in the *Humboldt Republican*, October 19, 1923.

Where Iowa got its name, in the *Ottumwa Courier*, October 20, 1923.

Building the Chicago and Northwestern Railroad in Iowa, in the *Clinton Herald*, October 23, 1923.

Naming the town of Denison, by Z. T. Dunham, in the *Denison Review*, October 24, 1923.

The fall of 1881, in the *Mason City Gazette*, October 24, 1923.

John Gaertner, a soldier with Napoleon at Waterloo, in the *Decorah Journal*, October 24, 1923.

Sketch of the life of Mrs. Elizabeth Andrews, nonagenarian, in the *Corning Union-Republican*, October 24, 1923.

Sketch of early pioneer days in Dickinson County, by J. A. Ellis, in the *Spirit Lake Beacon*, October 26, 1923.

Entertaining the James boys, in the *Vinton Eagle*, October 26, 1923.

Sketch of the life of Benjamin Latham, in the *Sioux City Tribune*, October 27, 1923.

Early days in Waterloo, by W. W. Pierce, in the *Waterloo Tribune*, October 28, 1923.

Sketch of the life of Joe Huston, Civil War veteran, by Alex Miller, in the *Davenport Democrat*, October 28, 1923.

Sketch of the life of Judge Howard M. Remley, in the *Iowa City Press-Citizen*, October 29, 1923.

Crawford County in an early day, in the *Denison Review*, October 31, 1923.

How Le Mars was named, in the *Remsen Bell Enterprise*, November 1, 1923.

Early days in Jackson Township in Hardin County, in the *Iowa Falls Citizen*, November 1, 1923.

An old stage driver at Steamboat Rock, in the *Eldora Herald*, November 1, 1923.

Henry C. Mullan revisits Waterloo, in the *Waterloo Courier*, November 3, 1923.

Where and why the pioneers settled in Calhoun County, in the *Manson Journal*, November 1, 1923.

First white settler in O'Brien County, in the *Paullina Times*, November 1, 1923.

An 1851 tax receipt for thirteen cents, in the *Newton Record*, November 1, 1923.

Preparing a history of Council Bluffs, in the *Council Bluffs Nonpareil*, November 4, 1923.

James Lee, a friend of Lincoln, in the *Cedar Rapids Republican*, November 4, 1923.

First railroad in Iowa, in the *Sioux City Tribune*, November 6, 1923.

The covered wagon, in the *Des Moines Capital*, November 6, 1923.

A horse race in 1865, in the *Decorah Journal*, November 7, 1923.

Sketch of the life of Silas M. Weaver, in the *Des Moines Capital*, November 6, 1923, and the *Iowa Falls Citizen*, November 9, 1923.

Sketch of the lives of Grenville M. Dodge and Emerson Hough, by Edgar R. Harlan, in the *Iowa Magazine*, November 8, 1923.

Final announcement of the Iowa Hall of Fame, in the *Iowa Magazine*, November 8, 1923.

Relics of the Bunker gang, in the *Eldora Herald*, November 8, 1923.

Two log cabins in Webster City, in the *Webster City News*, November 9, 1923.

Burial site of Governor B. R. Sherman, in the *Vinton Times*, November 9, 1923.

Trials of pioneer women, in the *Manson Journal*, November 9, 1923.

Jackson County veterans, in the *Davenport Times*, November 10, 1923.

Sketch of the life of William Graham, in the *Dubuque Herald*, November 10, 1923.

- Sketch of the life of T. S. Martin, in the *Sioux City Journal*, November 10, 1923.
- Pioneers revisit Kossuth County, in the *Algona Republican*, November 14, 1923.
- Going to mill, in the *Manson Journal*, November 15, 1923.
- Early Iowa history recalled, in the *Madrid Register News*, November 22, 1923.
- The old Le Claire home, in the *Davenport Democrat*, November 22, 1923.
- Wild life in early Iowa, in the *Manson Journal*, November 22, 1923.
- Mason City's first white baby, in the *Mason City Gazette*, November 22, 1923.
- History in paintings, in the *Dubuque Times Journal*, November 23, 1923.
- Tete des Morts, in the *Cedar Rapids Gazette*, November 23, 1923.
- Reunion of L. H. Smith and J. D. Edmundson, veterans, in the *Des Moines Capital*, November 23, 1923, the *Burlington Hawk-Eye*, November 23, 1923, the *Des Moines Tribune*, November 23, 1923, the *Des Moines Register*, November 24, 1923, the *Council Bluffs Nonpareil*, November 24, 1923, and the *Algona Advance*, November 26, 1923.
- Did Lincoln and Douglas debate in Clinton, in the *Clinton Herald*, November 27, 1923.
- Early Indian history, in the *Denison Bulletin*, November 28, 1923.
- Early settlers of Crawford County, in the *Denison Bulletin*, November 28, 1923.
- Pella in pioneer times, in the *Pella Chronicle*, November 29, 1923.
- Sod planting in Iowa, in the *Manson Journal*, November 29, 1923.
- Sketch of the life of Mrs. W. K. McDowell, in the *Cedar Rapids Gazette*, November 30, 1923.

HISTORICAL SOCIETIES

PUBLICATIONS

The Quarterly Publication of the Historical and Philosophical Society of Ohio for October-December, 1923, contains the annual report of the Society for the year 1923.

The Lost Fort Constitution on Constitution Island, by William L. Calver, is one of the articles in the January number of *The New York Historical Society Quarterly Bulletin*.

The Proceedings of the Eighteenth Annual Conference of Historical Societies has recently been issued by Joseph Schafer, the secretary of the conference.

Publication No. 105 of the *Transactions of the Western Reserve Historical Society* is devoted to a report of the Society for 1922-1923.

Francis Parkman, by George M. Wrong, is one of the articles in *The Canadian Historical Review* for December, 1923, which will be of interest to students of American history.

The Register of the Kentucky State Historical Society for September, 1923, contains the final installment of the *Certificate Book of the Virginia Land Commission, 1779-80*.

Lincoln's "House Divided" Speech, an address delivered by Arthur Charles Cole before the Chicago Historical Society on March 15, 1923, has been published in pamphlet form by the University of Chicago.

The Maryland Historical Society has recently distributed Volume XLII of the *Archives of Maryland*, edited by Bernard Christian Steiner, which contains the *Proceedings and Acts of the General Assembly of Maryland, 1740-1744*.

A recent number of the *Missouri Historical Society Collections*

contains the following articles and papers: *Walter Bond Douglas*, by Chilton Atkinson; *Edward Bates and the Test Oath*, by Frederick W. Lehmann; *Samuel Hammond*, by Stella M. Drumm; a continuation of *Recollections of an Old Actor*, by Charles A. Krone; and *Charles Parsons Pettus*, by Louis La Beaume.

A sketch of the life of Robert Harvey, State Surveyor and a former President of the Nebraska State Historical Society, appears in *Nebraska History and Record of Pioneer Days* for July-September, 1923. In the same number S. D. Fitchie writes of *The Fight for Prohibition in Nebraska* and Henry Clinton Parkhurst contributes a brief story entitled *Western Newspaper Men*.

The State Historical and Natural History Society of Colorado has begun the publication of a bi-monthly periodical which has been named *The Colorado Magazine*. The first number, issued in November, 1923, contains *A Tribute to Thomas F. Dawson*, by E. M. Ammons, and *Further Archaeological Research in the North-eastern San Juan Basin of Colorado, During the Summer of 1922*, by J. A. Jeancon and Frank H. H. Roberts.

Staten Island — Its Consolidation with New York, by James C. Connolly, *Revolutionary Days in Old Somerset*, by Cornelius C. Vermeule, *Pioneer Days in Boonton, N. J.*, by Cora E. Hammond, and the conclusion of *A Young Man's Journal of 1800-1813* are some of the papers in the *Proceedings of the New Jersey Historical Society* for October, 1923.

The November, 1923, number of the *Minnesota History Bulletin* contains one article — *The Long and Beltrami Explorations in Minnesota One Hundred Years Ago*, by Theodore Christianson — and a report of the State historical convention at Redwood Falls in June, 1923. There is also a letter containing impressions of Minnesota in 1849 and a sketch of the life of George W. Northrup.

The Quarterly of the Oregon Historical Society for September, 1923, contains an extensive article entitled *A History of High School Legislation in Oregon to 1910*, by Charles Abner Howard. In addition there are two documents: *John Work's Journey from*

Fort Vancouver to Umpqua River, and Return, in 1834, with an introduction and comment by Leslie M. Scott, and a *Diary of Reverend George Gary*, with notes by Charles Henry Carey.

The Industrial Armies and the Commonweal, by Donald L. McMurry, *The Development of Chicago as a Center of the Meat Packing Industry*, by Howard Copeland Hill, *The Louisiana-Texas Frontier During the Burr Conspiracy*, by Isaac Joslin Cox, and *The Proslavery Background of the Kansas Struggle*, by James C. Malin, are the five articles in *The Mississippi Valley Historical Review* for December, 1923. Under *Notes and Documents* there is *Some Correspondence of Robert Dale Owen*.

The four articles which make up the *Western Pennsylvania Historical Magazine* for October, 1923, are the following: *Historical Society of Western Pennsylvania Joins in Foster Celebration*, by John W. Oliver; *First Convention of the American Federation of Labor, Pittsburgh, Pa., November 15-18, 1881*, by Alfred P. James; *Ethnic Elements in Colonial Pennsylvania and the Population of To-day*, by A. F. Southwick; and *The Smithfield Street Methodist Episcopal Church, Pittsburgh, Penna.*, by Grafton E. Reynolds.

The Chicago Historical Society Bulletin for October, 1923, contains a short, unsigned account of *The Chicago Portage*. A similar article on Chicago's *First White Settler* appears in the November number, while the December issue presents *Chicago Highways, Old and New*, based on the volume *Chicago's Highways, Old and New*, by Milo Milton Quaife.

Naval Operations During the Revolutionary War, by Francis J. Higginson, and *The Genesis and Development of the Early Temperance Movement in New York State*, by John A. Krout, are two articles in the April, 1923, issue of *The Quarterly Journal of the New York State Historical Association*. The two articles in the number for October, 1923, are *The Trade and Trade Routes of Northern New York from the Beginning of Settlement to the Coming of the Railroad*, by Dorothy Kendall Cleaveland, and *The Historical Development of Tuberculosis Prevention in America with Special Reference to New York State*, by Edwin R. Baldwin.

New Mexico and the Texan Santa Fe Expedition, by William Campbell Binkley, *Notes on the Colonization of Texas*, by Eugene C. Barker, *The Expedition of Panfilo de Narvaez*, edited by Harbert Davenport, additional *Memoirs of Major George Bernard Erath*, by Lucy A. Erath, and another installment of *The Bryan-Hayes Correspondence*, edited by E. W. Winkler, are the articles in the *Southwestern Historical Quarterly* for October, 1923.

Michigan's Most Ancient Industry: The Pre-Historic Mines and Miners of Isle Royale, by William P. F. Ferguson, *That Myth Wawatam: A Symposium*, by H. Bedford-Jones and Milo M. Quaife, *Is County History Worth While?*, by Arthur Lyon Cross, *Travel in Early Days*, by O. W. Robinson, *Ann Arbor*, by Mrs. W. G. Doty, *History as Reflected in the Names of Women For Whom Michigan D. A. R. Chapters Are Named*, by Mrs. William Henry Wait, *Edward Chauncey Hinman, The Man*, and *Historical Work in Michigan*, by George N. Fuller, are the chief contributions in the *Michigan History Magazine* for July-October, 1923.

The Louisiana Historical Quarterly for January, 1923, contains a large number of papers and articles, among which are the following: *The Nicholls Family in Louisiana; New Orleans and Bayou St. John in 1766*, an extract from a journal kept by Captain Harry Gordon; *Almonester's Will; Episodes of Life in Colonial Louisiana*, by Henry Plauché Dart; *Luther E. Hall*, by Walter J. Burke, George S. Guion, and Donelson Caffery; *Newton Crain Blanchard*, by Paul A. Sompayrac; *Reflections on the Campaign of General Andrew Jackson*, by Bernard Marigny, edited by Grace King; and *War as I Saw It*, a Civil War memoir by Frank L. Richardson.

Experiences of a Wisconsin Educator, by Josiah L. Pickard, a fifth installment of *The Yankee and the Teuton in Wisconsin*, by Joseph Schafer, *The John Jay Orton Papers*, by John G. Gregory, *A "Stove-Wood" House*, by Paul B. Jenkins, *A Community Historical Museum*, by Albert H. Sanford, and *Grandfather Hill*, by Mary Gage, are the six contributions to *The Wisconsin Magazine of History* for December, 1923. *Testing Traditions*, a sketch by Joseph Schafer, is a discussion of the stories concerning the naming of certain Wisconsin towns.

The Washington Historical Quarterly for October, 1923, contains the following papers and articles: *Senator Cole and the Purchase of Alaska*, by Victor J. Farrar; *Klickitat County: Indians of and Settlement by Whites*, by Delia M. Coon; *Cape Disappointment in History*, by Barbara Coit Elliott; a continuation of *Newspapers of Washington Territory*, by Edmond S. Meany; and *Hall's Visit to Oregon in 1839*, by Howard M. Ballou. There is also a continuation of *The Nisqually Journal*, edited by Victor J. Farrar.

The Missouri Pacific Railroad to 1879, by R. E. Riegel, *The Story of the Bald Knobbers*, by A. M. Haswell, another installment of *The Followers of Duden*, by William G. Bek, a third article on *The New Journalism in Missouri*, by Walter B. Stevens, and a continuation of *Jayhawkers in Missouri, 1858-1863*, by Hildegard Rose Herklotz, are the articles in the issue of *The Missouri Historical Review* for October, 1923.

The Pennsylvania Magazine of History and Biography for October, 1923, contains a paper by Henry Leffmann on *The Real Declaration of Independence: A Study of Colonial History Under a Modern Theory*. Asa Earl Martin writes of *Lotteries in Pennsylvania Prior to 1833* and there is a continuation of W. A. Newman Dorland's *The Second Troop Philadelphia City Cavalry. The Provincial and Revolutionary History of St. Peter's Church, Philadelphia, 1753-1783*, by C. P. B. Jefferys, is an interesting example of local history.

The History of an Unusual Library, by Ella Lonn, *Dr. John Evans*, by J. Wesley Whicker, a concluding installment of *Personal Politics in Indiana, 1816-1840*, by Adam Leonard, *Barnabas Coffin Hobbs*, by Minnie B. Clark, and *Indiana's Blind*, by Ida Helen McCarty, are the five articles in the *Indiana Magazine of History* for September, 1923. The articles in the December issue are the following: *My Childhood and Youth in the Early Days of Indiana*, by G. W. H. Kemper; *Indiana's Last October Campaign*, by Paul Tinecher Smith; *The Thomas Family*, by Luke W. Thomas; *Colonel Francis Vigo*, by A. B. McKee; and *James Aikman Carnahan*, by Joseph F. Tuttle.

The Indiana Historical Commission has recently issued three volumes of the *Indiana Historical Collections*. Volume nine of this series is the second volume of the *Messages and Letters of William Henry Harrison*, edited by Logan Esarey. The tenth volume of the *Collections* is *A Sergeant's Diary in The World War*, by Elmer Frank Straub. This is volume three of the series designated *World War Records*. *George W. Julian*, by Grace Julian Clarke, is the eleventh volume in the *Collections* and the first of the *Indiana Biographical Series*.

The Proceedings of the Southwestern Indiana Historical Society for February 28, 1923, has been published as Bulletin No. 18 by the Indiana Historical Commission. In addition to the report of the fourth annual meeting, held at Evansville, Indiana, there are included the following papers: *The Early Days of Newburgh-On-the-Ohio*, by Mrs. Eldora Minor Raleigh; *Private Schools in Evansville from 1842 to 1853*, by Mrs. George S. Clifford; *The Lincolns in Spencer County*, by Ida D. Armstrong; *Correspondence Between Lincoln Historians and This Society*, by John E. Iglehart; *The Grigsbys*, by Mrs. Calder D. Ehrmann; *Moses Ashworth, Pioneer of Indiana Methodism*, and *His Times*, by Mrs. Charles T. Johnson; *Judge William Prince*, by Gil R. Stormont; *Francis B. Posey*, by Elmer Q. Lockyear; and *Indian Relics*, by Otto Laval.

The History of the Underground Railroad of McDonough County, Illinois, by D. N. Blazer, *The Beginning of German Immigration in the Middle West*, by Jacob W. Myers, *The Illinois State Capitol Grounds*, by Mrs. John M. Palmer, *A Pioneer Woman of Illinois*, by Julia Ann Buck, *Major John Crain Bond*, by Sarah Bond Hanley, *Dedication of Granite and Bronze Monument to the Soldier Dead of Fulton County, Ill.*, November 12, 1922, *General Grant's First Day's March*, by Noah C. Bainum, and *Civil War Diary of Patrick H. White*, contributed by J. E. Boos, are the articles in the *Journal of the Illinois State Historical Society* for October, 1922-January, 1923.

The Michigan Historical Commission has recently published Volume I of a series designated as *Michigan Biographies*. This is a

collection of brief biographical sketches of men who have served in official positions in Michigan and includes the names beginning with A to K inclusive.

ACTIVITIES

The Nebraska State Historical Society will hold its forty-seventh annual meeting at Lincoln, Nebraska, on January 16, 1924.

The Michigan Pioneer and Historical Society held its forty-ninth annual meeting at Lansing on May 24 and 25, 1923.

A special anniversary meeting of the Oklahoma Historical Society was held at Kingfisher, Oklahoma, on May 28, 1923.

A meeting of the Wapello County Historical Society was held at Ottumwa on October 5, 1923. T. Henry Foster read a paper on the "History of the Morrell Packing Plant" and Mrs. E. M. B. Scott told of the early teachers in the county.

The work of the Wisconsin War History Commission has been turned over to the Wisconsin State Historical Society, the Commission having been discontinued. An appropriation of \$5000 a year is provided for the continuation of the work.

The sixty-seventh annual meeting of the Chicago Historical Society was held on November 20, 1923. Dr. Otto L. Schmidt was elected president.

The Minnesota Historical Society has begun the publication of a monthly check list of current documents issued by State offices and institutions.

The Ohio Archaeological and Historical Society has received an appropriation of \$238,000 for an addition to its building. This is to be a memorial to those who served in the World War.

The Nebraska Historical Society has recently received a collection of manuscripts concerning the early history of old Fort Kearny. These were the gift of W. H. Carter.

The seventeenth annual meeting of the Mississippi Valley Historical Association will be held at Louisville, Kentucky, on May 1-3, 1924.

The Indiana Historical Commission has begun the publication of the *Indiana History Bulletin*, an eight-page pamphlet devoted to reports and announcements concerning the activities of historical societies and the dissemination of other historical news items. The first number appeared in November, 1923.

The Missouri Historical Society, located at St. Louis, has recently received a large collection of manuscripts relating to George Rogers Clark, the Lewis and Clark expedition, and William Clark, who was Governor of Missouri Territory and Superintendent of Indian Affairs. The bequest came from the late Mrs. Julia Clark Voorhis of New York.

The thirty-eighth annual meeting of the American Historical Association was held at Columbus, Ohio, on December 27-29, 1923. The following officers were chosen for 1924: president, Woodrow Wilson; first vice-president, Charles M. Andrews; second vice-president, Dana C. Munro; secretary, John S. Bassett; treasurer, Charles Moore; executive council, Arthur L. Cross, Sidney B. Fay, Carlton J. H. Hayes, Frederic L. Paxson, Henry P. Biggar, Mary W. Williams, Arthur M. Schlesinger, and Charles H. McIlwain. Announcement was made that the meeting of the Association for 1924 would be in Washington, D. C., and at Richmond, Virginia.

The midwinter meeting of the Mississippi Valley Historical Association was held in connection with the meeting of the American Historical Association. On Friday evening, December 28th, a subscription dinner of the Mississippi Valley Historical Association was held at the Hotel Deshler. Eugene C. Barker, President of the Association, presided and Joseph Schafer, Superintendent of the State Historical Society of Wisconsin, read a paper on "The Life and Work of Francis Parkman".

The Mississippi Valley and the Ohio Valley Historical Associations met in joint session in Parlor A of the Hotel Deshler on Saturday morning. The following papers relating to the westward movement in American history were read: "The Westward Expansion of the Vermont People", by Lewis D. Stillwell, Dartmouth College; "A Cattleman's Commonwealth on the Western

Range", by Louis Pelzer, The State University of Iowa; "Overland Commerce via the Santa Fe Trail, 1848-1860", by Ralph P. Bieber, Washington University; "Early Democracy in Kentucky", by E. Merton Coulter, University of Georgia.

On Saturday afternoon, December 29th, the Conference of Historical Societies, with Victor H. Paltsits of the New York Public Library presiding, was held in Parlor C of the Hotel Deshler. Dixon R. Fox of Columbia University read a paper on "Outstanding Activities, 1920-1923". In the absence of William B. Shaw, of *The American Review of Reviews*, his paper on "Historical Society Magazines as Viewed by an Outsider" was read by the chairman. At the business meeting of the Conference Addison E. Sheldon, Secretary of the Nebraska State Historical Society, was elected chairman for the coming year.

THE STATE HISTORICAL SOCIETY OF IOWA

The State Historical Society of Iowa now has in press *A History of the Sixth Iowa Infantry*, by Henry H. Wright.

George F. Robeson's *The Government of Special Charter Cities in Iowa* has recently been distributed to members and libraries by the State Historical Society. This is a volume of nearly three hundred pages dealing with the charters and amendments granted to special charter cities and towns of Iowa by the legislature.

State and Local Archaeological Surveys, by Clark Wissler, has been published by the State Historical Society of Iowa as number eleven of the *Bulletin of Information Series*. Its purpose is to suggest to those interested in archaeology the possibilities of work in Iowa and the Middle West and the methods to be used in making surveys and collecting material.

The State Historical Society of Iowa has offered \$1000 in prizes for the essay contest in Iowa history conducted by the Iowa Federation of Women's Clubs. The contest is open to high school students throughout the State and a first, second, and third prize will be given for the three best essays submitted in each of three groups. Essays in the first group may be on one of three subjects — "The

Story of My Grandmother", "The Story of My Grandfather", and "An Old Settler's Story". The subject for the second group is "A Story in the History of My Community", any historical incident suggested by Herbert Quick's *Vandermark's Folly* or *The Hawkeye*. Essays in the third group are to be on the subject "What Iowa Means to Me".

The first prize in each group will be \$150, the second \$100, and the third \$50. An additional prize of \$100 is also offered the best of the three prize essays.

The following persons have recently been elected to membership in the Society: Mrs. James Brewster, Fort Madison, Iowa; Mr. R. W. Cassady, Des Moines, Iowa; Mr. E. Engleson, Sioux City, Iowa; Mr. J. G. Ennis, Tama, Iowa; Mr. G. M. Foster, Ottumwa, Iowa; Mr. Sidney A. Foster, Des Moines, Iowa; Mr. E. D. Fowler, Ottumwa, Iowa; Mr. Milton D. Goldman, Des Moines, Iowa; Mr. N. M. Hubbard, Jr., Des Moines, Iowa; Mr. Charles Larrabee, Jr., Fort Dodge, Iowa; Mr. Edwin C. Manning, Ottumwa, Iowa; Mr. C. H. Maxson, Philadelphia, Pa.; Mr. C. G. Merrill, Ottumwa, Iowa; Mr. Joseph Biggs Miller, Cedar Rapids, Iowa; Dr. S. T. Mitchell, Hamburg, Iowa; Miss Mary S. Pool, Mt. Pleasant, Iowa; Dr. James T. Priestley, Des Moines, Iowa; Mrs. Ollie M. Pulliam, Moulton, Iowa; Mr. H. S. Salisbury, Iowa City, Iowa; Mr. E. R. Smith, Fairfield, Iowa; Mr. Frank D. Throop, Davenport, Iowa; Mr. Clarence M. Young, Des Moines, Iowa; Miss Helen Blankenbuehler, Webster City, Iowa; Mr. Chas. H. Clark, Rowley, Iowa; Mrs. Grace McGee Coast, Iowa City, Iowa; Mr. H. L. Dehner, Cascade, Iowa; Mrs. Gertrude Dobyns, Des Moines, Iowa; Mr. W. H. Faulkner, Des Moines, Iowa; Mr. J. A. Fleming, Des Moines, Iowa; Major Philip B. Fleming, Fort Humphreys, Va.; Miss Marguerite E. Flick, Dubuque, Iowa; Mr. Louis A. Gilbert, St. Paul, Minn.; Miss Jane Gosselink, Pella, Iowa; Mr. Jos. P. Langford, Davenport, Iowa; Mrs. Frederick F. McArthur, Oakland, Iowa; Miss Grace McCollough, Webster City, Iowa; Mr. A. I. Naumann, Davenport, Iowa; Mrs. C. Nichols, Vinton, Iowa; Mr. M. L. Parker, Davenport, Iowa; Mr. F. S. Phoenix, Davenport, Iowa; Miss Maud Spence, Mount Ayr, Iowa; Mr. Charles H. Babbitt, Washington,

D. C.; Mr. F. W. Baily, Sac City, Iowa; Miss Jane E. Hamand, Schaller, Iowa; Miss Clara Hemingway, West Branch, Iowa; Mr. J. Ross Lee, Davenport, Iowa; Miss Fern Olive, Scranton, Iowa; Miss M. L. Oppenheimer, Centerville, Iowa; Miss Mae H. Peabody, Dubuque, Iowa; Mr. Earle D. Ross, Ames, Iowa; Mr. Wm. F. Stipe, Clarinda, Iowa; and Dr. R. H. Volland, Iowa City, Iowa.

NOTES AND COMMENT

Irving B. Richman delivered an address at the meeting of the Marshall County Historical Society on October 24, 1923, on the subject "Have We Still an American Tradition?"

An old settlers' picnic was held near Hampton on October 5, 1923. A feature of the celebration was the dedication of a marker locating the site where the first settlers of Franklin County camped in October, 1852.

JOHN POWELL IRISH

John P. Irish, who died at Oakland, California, on October 6, 1923, was born at Iowa City, Iowa, on January 1, 1843. In 1864 he purchased the *Iowa City State Press*, a Democratic newspaper, which he edited with ability and success for eighteen years.

Mr. Irish served as a member of the House of Representatives in the Twelfth, Thirteenth, and Fourteenth General Assemblies, and was for several years a member of the Board of Curators of The State Historical Society of Iowa. He was also a member of the Board of Trustees of the State University of Iowa and was influential in the establishment of the College of Law and the College of Medicine at that institution.

Politically Mr. Irish was a Democrat. He was three times a candidate for the office of Congressman — twice in Iowa and once in California, but was defeated. In 1877 he was the Democratic candidate for the office of Governor of Iowa.

After his removal to California in 1882 Mr. Irish became the editor of the *Oakland Times*. Later he went to San Francisco as editor of the *Alta Californian*, the oldest newspaper of that city. During the second administration of President Grover Cleveland he was appointed naval officer of customs at the port of San Francisco, a position he held for nearly twenty years. He also served as national commissioner of the Yosemite Valley and was one of the founders of the Home for the Blind at Oakland.

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THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE
IOWA JOURNAL
of
History and Politics

APRIL 1924



Published Quarterly by
THE STATE HISTORICAL SOCIETY OF IOWA
Iowa City Iowa

EDITOR
BENJAMIN F. SHAMBAUGH

Vol XXII

APRIL 1924

No 2

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THE IOWA JOURNAL OF HISTORY AND POLITICS

PUBLISHED QUARTERLY
AT IOWA CITY

SUBSCRIPTION PRICE: \$2.00 SINGLE NUMBER: 50 CENTS

Address all Communications to
THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE IOWA JOURNAL OF HISTORY AND POLITICS
APRIL NINETEEN HUNDRED TWENTY-FOUR
VOLUME TWENTY-TWO NUMBER TWO

VOL. XXII—11

CONSTITUTIONAL PROVISIONS FOR THE SUFFRAGE IN IOWA

The right to participate in the operation and control of government by means of the electoral franchise has in the United States been left largely to the control of the individual States. The regulation of suffrage in the Territories, however, has been reserved to Congress.¹ For example the voting privileges of the citizens of the various Territories that have been established from time to time have been set forth in the organic acts which provided for the creation of these Territories. In some instances control of suffrage was left entirely to the Territorial governments, subject to the approval of Congress; while in other cases Congress has prescribed certain qualifications, leaving to the discretion of the Territorial legislatures the addition of further restrictions or limitations. In Iowa, the latter course was pursued. Section five of the Organic Act of June 12, 1838, reads as follows:

That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications, of voters, at all subsequent elections, shall be such as shall be determined by the legislative assembly; *Provided*, that the right of suffrage shall be exercised only by citizens of the United States.²

Precisely the same privileges in this respect had been enjoyed by the people of the Iowa country under the juris-

¹ *Constitution of the United States*, Art. IV, Sec. 3.

² *Laws of the Territory of Iowa*, 1838-1839, pp. 33, 34.

diction of Wisconsin Territory.³ The right of suffrage, that is, the right of residents of the Territory to participate in the affairs of the government through the ballot box, as sanctioned by the Organic Act of Iowa, was never enlarged under the Territorial government. A six months residence qualification was, however, added by the first Territorial legislature which convened at Burlington in 1838.⁴

On June 19, 1844, prior to the election to be held in August for the selection of candidates to a constitutional convention, the Territorial legislature passed an act which entitled every white male inhabitant, who was a citizen of the United States, twenty-one years of age, and a resident of the Territory on the 20th day of June, 1844, to vote for all officers to be elected in the county in which he resided, and for delegates to the coming constitutional convention.⁵ Under this statute persons otherwise qualified might vote even though they had not resided in the Territory for a period of six months. This act, however, pertained only to this particular election and in no wise affected the qualifications of voters as set forth in the Organic Law and enlarged by the first Territorial legislature. Under these liberal suffrage qualifications were chosen the delegates to the first constitutional convention of Iowa.⁶

SUFFRAGE UNDER THE CONSTITUTION OF 1844

Among the standing committees in the Constitutional Convention of 1844 was the Committee on Suffrage and Citizenship, consisting of James Clarke, John Thompson, Elisha Cutler, Jr., Ebenezer Cook, Enoch Ross, Hardin

³ Poore's *The Federal and State Constitutions and Colonial Charters of the United States*, Vol. II, p. 2022.

⁴ *Laws of the Territory of Iowa, 1838-1839*, pp. 188, 189.

⁵ *Laws of the Territory of Iowa, 1844* (Extra Session), p. 3.

⁶ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, p. 3.

Butler, and Samuel B. Olmstead. The majority of these members belonged to the Democratic party, only two, Mr. Cook and Mr. Ross, being Whigs.⁷ On the fifth day of the Convention this group made their first report on the right of suffrage through their chairman, James Clarke. The report as submitted read:

RIGHT OF SUFFRAGE

1. In all elections which are now, or hereafter may be authorized, every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote thirty days, shall be entitled to vote.

2. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the day of election, during their attendance at, going to, and returning therefrom.

3. Except in time of war or public danger, no elector shall be obliged to perform militia duty on the day of election.

4. No person in the military, naval or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military, or naval place or station within the State.

5. No idiot, or insane person or persons, declared infamous by act of the legislature, shall be entitled to the privileges of an elector.

6. All elections shall be by ballot.

Following the reading of this report, one hundred copies of it were ordered to be printed.⁸ The next day, October 12th, George Hobson presented the following petition from "sundry citizens" of the Territory:

Whereas, all men are created free and equal, invested by the Author of their being with the same inalienable rights, and by the principles of our government, possessed of the same rights and

⁷ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 408-410; *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, p. 14.

⁸ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, pp. 26, 27.

privileges, AND WHEREAS, some of these rights and privileges such as the right of voting and of a trial by jury, and the like, having by the laws of this Territory heretofore been withheld from people of color.

THEREFORE, we the undersigned citizens of the Territory of Iowa, do respectfully petition your honorable body, that in presenting to the people of this Territory a Constitution for their acceptance, you would so frame it as to secure to people of color all such rights and privileges, civil, social, moral and educational, under the same circumstances and upon the same conditions as are secured to others.⁹

An effort was made to have this petition referred to the Committee on Suffrage and Citizenship, but the attempt failed. It was then referred to a select committee of three. Richard Quinton, one of the members of this committee, asked to be excused from serving because he was already committed against the petition. His request was granted, and George Hobson was appointed to fill the vacancy. William W. Chapman then suggested that the petition be referred to a committee of the whole convention for discussion when the Article on Suffrage and Citizenship was being discussed. This, in his opinion, would do away with sending out unnecessary reports to agitate the people. The whole question would center around the one issue, "whether the permission to vote should be to white male citizens, or to male citizens without qualification." This was a matter of expediency for the Convention to decide, and this question should be settled without creating excitement.

Joseph C. Hawkins moved to reconsider the vote which referred the petition to the select committee. Gideon S. Bailey was opposed to such a change, and openly stated that he believed Mr. Hawkins to be an abolitionist. Personally,

⁹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 32, 33.

he favored open discussion of the subject, and the right of petition. Although he was not an abolitionist, he believed in giving those who were such an opportunity to be heard. Therefore, if there was to be a select committee to decide upon this question, it should be composed of men entertaining different opinions. The vote referring the petition to the select committee was then reconsidered.

J. C. Hall, who believed it was the duty of the Convention to treat this subject with "candor and discretion", now moved to refer it to another select committee to consist of thirteen members. In his opinion facts should not be ignored. There was a large number of citizens, as worthy as any other, in favor of the prayer of the petition. They should not be met with discourtesy on the part of the majority. He believed that they should be met with reason and if their petition should be refused they should be given a reason for it. The delegates should meet this question properly at the start. He called upon the Convention to appoint a committee composed of members from all parts of the Territory and have a report. The petitioners had a right to a reply and the delegates should meet the question like men, not like children. Their decision and the reasons for it should be made public. To meet this question in a proper spirit would do much good; it would convince the petitioners that they were not persecuted and turned out of doors.

Ex-Governor Robert Lucas concurred in the remarks of Mr. Hall. Although "he believed Slavery to be a moral and political evil", he declared that he was not an abolitionist.

The discussion was continued briefly along this line and it was finally decided that the petition should be referred to a select committee of thirteen members. Those appointed by the president as members of this committee were: J. C. Hall, chairman, J. C. Hawkins, Enos Lowe, Ralph P. Lowe,

Edward Langworthy, George Hobson, Gideon S. Bailey, John Thompson, Robert Lucas, James Grant, S. B. Shelledy, Wm. W. Chapman, and John Taylor. Immediately following the announcement of the membership of this committee Wm. H. Galbraith offered a resolution which read as follows:

Resolved, that the select committee, to whom has been referred the petition praying that the right of suffrage be extended to persons of color within this State, be instructed to inquire into the expediency of excluding from the State all persons of color, or of admitting them under severe restrictions, and report their opinion upon the subject to this Convention.

The fact that this resolution was adopted was a prediction in itself of the action on the petition. Robert Lucas opposed this measure on the grounds that it would be contrary to the Federal Constitution, and as a consequence might lessen the chances of the admission of the Territory as a State. The resolution as submitted was, however, presented to the select committee for their consideration.¹⁰

On Tuesday, October 15th, three days after its appointment, the committee submitted a report in regard to the petition and the resolution referred to them for their consideration. The philosophy of their reasoning is such as to warrant a reproduction of their entire report. As submitted by their chairman, J. C. Hall, this report read:

The Select committee to whom was referred a petition of sundry citizens praying for the admission of people of color on the same footing as white citizens. Also a resolution instructing them to report their opinion upon the propriety of making a constitutional provision prohibiting them from settling within the State, &c., beg leave to report.

That all men are created equal, and are endowed by their Creator

¹⁰ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 33, 34, 43, 44; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 26-29, 33.

with equal unalienable rights, your committee are free to admit: That so far as nature is concerned those rights are as sacred to the black man as the white man, and should be so regarded. This, however, is a mere abstract proposition, and although strictly true, when applied to man in a state of nature; yet it becomes very much modified when man is considered in the artificial state in which government and society places him. Thus the infant is not entitled to liberty or the pursuits of happiness until he arrives at the age of twenty-one years. Females by the arbitrary rules of society are excluded and debarred from many things which males consider rights and high privileges — such as the elective franchise, holding office, &c. Now in these cases the female and infant are denied what we abstractly term unalienable rights, and they submit without complaint or murmur. No one thinks of sympathizing with them in their deprivations. The philanthropist has never had occasion to commiserate their fate, still it is in those respects the same as the *citizen of color*. The negro is surely no better than our wives and children, and should not excite sympathy when they desire the political rights which they are deprived of.

The great error that exists in the minds of our citizens who reason in favor of negro suffrage and citizenship, arises from their mingling the national and artificial rights of man, and treating the artificial institutions of government as sacred and as undeniable to *man* as the abstract rights of nature; a position which is untrue in point of fact, and in opposition to the experience of the whole world. Governments are strictly conventional, and although based upon the laws of nature, they are necessarily limited and circumscribed in their operation. It is made for those who are to be benefited by it, and is not bound to unbar its doors and receive every vagrant who may take refuge in it.

Government is an institution or an association entered into by man, the very constitution of which changes or modifies to a greater or less extent his natural rights. Some are surrendered others modified. The compensation for these sacrifices, is found in the greater security in those rights retained, and a cheapening of the expense of protecting them. It is a means sought by man to make more available, secure, and certain his *unalienable* rights of life, liberty and the pursuits of happiness. Thus the citizen acquires a species of property in his government, which he has a right to enjoy without molestation and without disturbance. In forming or main-

taining a government it is the privilege and duty of those who have or are about to associate together for that purpose to modify and limit the rights or wholly exclude from the association, any and every species of persons who would endanger, lessen or in the least impair the enjoyment of these rights. We have seen that the application of this principle limits the rights of our sons, modifies the privileges of our wives and daughters, and would not be unjust if it excluded the negro altogether.—'Tis the party to the compact that should complain, not the stranger. Even hospitality does not sanction complaint under such circumstances. True, these persons may be unfortunate, but the government is not unjust.

If your committee are correct in their views, the question presented for consideration is plainly this: Would the admission of the negro as a citizen tend in the least to lessen, endanger or impair the enjoyment of our governmental institutions — in other words would the accession of a negro population produce any of these consequences. If it would we should be unwise to admit them, if it would not, then it would be wanton and wrong to exclude them. The whole subject should be properly treated as a question of policy or contract where self interest is just as properly consulted, as in the promotion of a commercial treaty or a private contract. 'Tis the *white* population who are about to form a government for themselves — no negro is represented in this convention, and no one proposes to become a member to the compact. 'Tis the white population of this Territory who petition for the admission of the negro. They necessarily believe that the introduction of such a population as citizens would not interfere with the enjoyments of the white citizens, or they place this admission on the ground that the negro has the arbitrary claim, based as a natural right. The proposition would stand thus:

1st, That the negroes are a desirable or at least a harmless population:

2nd, That the negro has a *natural* right to be admitted as an equal citizen.

The former proposition begs, the latter commands.

Can the negro be admitted to those privileges and not impair the rights of whites? your committee think not. The Government then would be unjust to admit them. The negro not being a party to the government has no right to partake of its privileges.

However your committee may commiserate with the degraded

condition of the negroes, and feel for his fate, yet they can never consent to open the doors of our beautiful State and invite him to settle our lands. The policy of other States would drive the whole black population of the Union upon us. The ballot box would fall into their hands and a train of evils would follow that in the opinion of your committee would be incalculable. The rights of persons would be less secure, and private property materially impaired. The injustice of the white population would be beyond computation. There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence, that might eventuate in insurrection, bloodshed and final extermination of one of the two races. No one can doubt that a degraded prostitution of moral feeling would ensue, a tendency to amalgamate the two races would be superinduced, a degraded and reckless population would follow; idleness, crime and misery would come in their train, and government itself fall into anarchy or despotism. Having these views of the subject your committee think it inexpedient to grant the prayer of the petition.

Your committee do not think it expedient to introduce an article into the constitution to exclude them from settling, subject to such restrictive laws as the legislature may think proper to make.¹¹

This report was laid upon the table but it caused considerable comment and discussion throughout the Territory. Its content, however, probably represented the prevailing sentiment of the people of Iowa upon this issue.¹² A similar petition was presented to the Convention on October 24th by Enoch Ross of Washington County, but this, too, was laid upon the table. A resolution to prohibit the legislature of Iowa from entertaining petitions in regard to negro suffrage was presented on the following day by Francis Gehon, but it was likewise laid upon the table.¹³ Mr. Lucas expressed his regret at the introduction of reso-

¹¹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 52-55.

¹² Shambaugh's *History of the Constitutions of Iowa*, p. 218.

¹³ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 110, 111, 121.

lutions concerning the negro — the question of suffrage was to be fixed by the Constitution and further action would be without effect.

Mr. Gehon thought that "the practice of presenting negro petitions to the Legislature was an evil", and he believed some action should now be taken to do away with this evil. This question had caused more excitement, taken more time in the Territorial legislature and in Congress, and had come nearer to dissolving the Union than any other single thing. He did not wish to say that negroes were better or worse than the white man, but he was not disposed to recognize them as equals, and he did not want them to sit at his table. He admitted that the negro was entitled to as much freedom as the white man, but he did not want the State he lived in agitated by petitions to give negroes the right to vote. He considered the practice an evil, and wanted to choke it off.¹⁴

Many of the delegates to the Convention were not only interested in denying to the negro the right of suffrage: they seriously attempted to prevent him from settling within the State at all. In the Committee of the Whole a provision was added to the report on the legislative department that "The Legislature shall, at as early a day as practicable, pass laws to prevent the settlement of Black's and Mulattoes in this State."¹⁵ The report of the Committee on Revision, however, proposed to strike out this section which made it obligatory upon the legislature to pass laws excluding negroes and mulattoes. Edward Langworthy moved that the Convention disagree to this part of the committee's report, for "if there was anything

¹⁴ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 123.

¹⁵ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1844*, p. 82.

that his constituents instructed him upon, it was to get something put into the Constitution by which negroes might be excluded from the State. They said — Slave, or no negro''. He did not fear that such a provision would prevent the admission of Iowa into the Union, and since Iowa bordered upon a slave State such a provision would be necessary or the State would be flooded by all the broken-down negroes from Missouri.

Mr. Lucas stated that he had given this matter careful consideration and that in his judgment the section proposed to be eliminated was contrary to the Constitution of the United States. The States regulated the rights of citizenship, each for itself, and the Federal Constitution guaranteed to the citizens of each State the rights of citizens of the several States. If evil should arise by emigration of blacks, as had been anticipated, the legislature could make the necessary provision against it. This Convention should say nothing about it.

James Grant, who had voted in favor of adding this provision when it was originally presented, now, as a member of the Committee on Revision, favored striking it out. He had read the debates on the admission of Missouri and Joseph Story's views of the section in the Federal Constitution, and he was now convinced that the Convention had no right to include such a clause in the Constitution. He was as anxious as any one to keep the negro out of the State, but he did not care to do anything which would endanger the admission of Iowa into the Union. The section, when finally put to a vote of the Convention, was stricken out by a vote of thirty-five to thirty-two.¹⁶

The *Iowa Capital Reporter* of October 19, 1844, in commenting upon this petition said:

¹⁶ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 155, 156.

We believe, to have granted the subject of the petition, would not have elevated the blacks in the least, but would have reduced the Anglo Saxon race to a bare competition with the new partners in the government. We hope that this black subject will now rest in Iowa forever.¹⁷

On Tuesday, October 15th, the report of the Committee on Suffrage and Citizenship was taken up for its second reading before the Convention. Mr. Gehon proposed to amend section six, which provided that all elections should be by ballot, by striking out the word "ballot", and putting in its place "viva voce". His motion was defeated by a vote of twenty-four to forty-four. John Taylor offered to amend the same section to read as follows: "That all elections shall be by ballot: *Provided*, That the Legislature may at its first session or any time thereafter, change or alter the manner of voting." This proposal was also defeated by a large majority. Wm. H. Galbraith then moved to strike out section six entirely, but this motion was likewise defeated.

Michael O'Brien of Dubuque County, who had been a resident of Iowa since 1836, offered to add to section one of the report the following provision: "That all foreigners who have resided in the State for three years, and who have declared their intentions to become citizens of the United States, shall be permitted to vote for Representatives and County officers." The proposal to give to aliens political privileges almost equal to those of citizens aroused a great deal of discussion among members of the Convention.

O. S. X. Peck warned the delegates that this provision would have the effect of making persons who were not citizens of the United States electors of the President and Vice President. The Constitution of the United States declared that persons who were electors of the most numerous

¹⁷ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 221.

branch of the State legislature should vote for the electors of the President and Vice President. This provision would also be "inconsistent with the Constitution, insomuch as the persons proposed to be provided for were not citizens of the United States".

Mr. O'Brien explained that it was not his intention to extend this privilege further than the right to vote for State Representatives and county officers. He also stated that there were many aliens in his county upon whom a poll tax had been levied and for this reason he believed that they were entitled to the political privileges incorporated in the amendment. Joseph S. Kirkpatrick expressed the opinion that the amendment proposed would admit persons to the rights and privileges of citizenship, "who had never renounced their allegiance to a foreign power."

Mr. Langworthy argued, however, that a person who had declared his intentions of becoming a citizen by so doing renounced automatically his allegiance to any foreign power. Mr. Chapman refuted Mr. Langworthy's argument by stating that a declaration of intentions did not have the effect of renouncing one's allegiance to another power, and that it did not necessarily constitute an oath of allegiance.

Mr. O'Brien, however, insisted that the objections advanced were without weight. He knew that the State of Illinois permitted foreigners to vote after a six months residence period, and he thought that "one oath was as good as two". The opinion of Mr. Lucas was that the whole question "whether unnaturalized persons were to be admitted to vote", was largely a matter of expediency.

John Davidson opposed the entire proposition because he believed that it conflicted with the provisions of the Federal Constitution. He was disposed to be liberal, but it was well to be governed by the Constitution in transacting the business of the Convention. Iowa had no right to adopt

any such provision till the laws of the general government had been altered. He was also of the opinion that persons coming into the State ought to be satisfied with the rights and privileges that the law conferred upon them.

Mr. Gehon said that it ought to be the privilege of the State to determine who shall and who shall not vote for State officers and Congressmen.

To Mr. Hall it appeared that the same principle was involved as in the case proposing to admit the negro — that is “whether injury would be produced to citizens of the State.” It did not seem to him that the admission of foreigners to the electorate would produce any injury, and he favored “extending the principles of liberty”.

Mr. Peck was convinced that the Constitution and laws of the United States superseded the right of the States to make laws upon this subject, and consequently he could not vote for the measure.

A majority of the Convention seemed to be against the proposed amendment, and when the vote was taken it was defeated by a vote of thirty-nine to twenty-nine.¹⁸ James H. Gower then proposed to amend section one, which specified who should constitute the electorate by adding the following paragraph:

But all persons who are students at any College or institution of learning, in counties other than those in which their residence has been established, shall not be allowed to vote in the county wherein such College or institution of learning may be located.

This proposition was likewise unfavorably received, and after the rejection of a number of other proposals, the report was ordered to be engrossed and read a third time.¹⁹

¹⁸ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 57-59; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 44-47.

¹⁹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 59, 60.

During the afternoon session of October 29th, the report on suffrage came up before the Convention for its third reading and was favorably passed upon.²⁰ Although it was discussed and debated quite extensively, no changes were made in the original report of the select committee.

When the Convention's work was completed, it remained for the people to determine whether the proposed Constitution should become a part of the supreme law of the Commonwealth. The Constitution, however, was defeated by a large majority. Later it was again submitted to a vote and was a second time rejected by them.

SUFFRAGE UNDER THE CONSTITUTION OF 1846

The delegates to the Constitutional Convention who assembled at Iowa City on Monday, May 4, 1846, were confronted with the problem of drawing up a Constitution that would not invoke the severe criticisms which the Constitution of 1844 had received.²¹ To facilitate procedure the Convention adopted the rules of the preceding Convention. Among the six standing committees determined upon was the Committee on Legislative Department, Suffrage, Citizenship, Education, and School Lands. As members of this important committee, Enos Lowe, President of the Convention, appointed Shepherd Leffler, William Hubbell, John J. Selman, Stephen B. Shelledy, and John Conrey but on account of the wide diversity of important subjects to be handled by this group a separate committee, consisting of Wm. G. Coop, John Ronalds, William Steele, George Hobson, and Joseph H. Hedrick, was appointed to take charge of the subjects of suffrage and citizenship.²²

²⁰ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 155, 165, 166.

²¹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. 23.

²² Shambaugh's *History of the Constitutions of Iowa*, pp. 294, 295, 296;

The work of the Convention was soon under way, and much of the material in the Constitution of 1844 was utilized without alteration or change. Reports of the progress of some of the committees were soon made by the press. On May 6th the *Iowa Capital Reporter* published the following comment concerning the work of the Convention:

We can but briefly allude to a few of those features in which the rejected constitution was defective in principle. In the first place, as to the right of suffrage — let us inquire, with all due respect to the superior judgment of the Delegates, whether the time has not arrived when this right should be naturally estimated — whether wisdom and justice, sanctioned by an enlightened public opinion, do not dictate that the shackles which have been provided for those who flee from the tyranny of their native land, and seek the blessings of liberty under our free institutions, should be effectually abolished.

A Convention of the character here assembled, needs no suggestion that the public weal demands a complete barrier in the compact about to be entered into, against that unjust, unequal, and corrupting system of legislation for classes — the creation of grades and privileged orders in society — which has marked and disgraced most of our sister states.²³

Whether or not the foregoing comment came to the attention of the Committee on Suffrage and Citizenship is not known, but if it did, the report of this special committee made on the following morning showed no evidences of it. The content of the report of the Committee on the Right of Suffrage was precisely the same as that embodied under this same article in the Constitution of 1844, although the wording of certain provisions was slightly altered. The report as read by Mr. Coop was as follows:

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six

Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1846, pp. 25, 26, 30, 32.

²³ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 336, 337.

months next preceding the election, and of the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to, and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war, or public danger.

4. No person in the military, naval, or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack or military or naval place or station within this State.

5. No idiot or insane person, or person declared infamous by act of the General Assembly, shall be entitled to the privileges of an elector.

6. All elections by the people, shall be by ballot.

The report was not taken up for discussion at this time but one hundred copies were ordered printed for the use of the Convention.²⁴ On the following day, however, Friday, May 8th, the Article on Suffrage was taken up for consideration by the Convention. Amendments very similar to those offered in the Convention of 1844 were again proposed. Mr. Shelledy proposed to amend section six, which provided that all elections should be by ballot, by striking out the words "by ballot" and inserting in their stead "viva voce". This proposal was defeated by a large majority.

Sulifand S. Ross then offered the following amendment:

Sec. 2. That all white foreigners who have resided in this state twelve months, and who have declared their intentions to become citizens of the United States, shall be entitled to the right of suffrage.

A substitute for this proposed amendment was immediately offered by Socrates H. Tryon which read as follows:

²⁴ *Journal of the Convention for the Formation of a Constitution for the* to take action in the matter.

Sec. 2. All white aliens, who shall have resided in any county or district the time prescribed by section first, and shall have taken an oath of allegiance shall be entitled to the right of suffrage.

The vote upon this latter proposal was a tie with fourteen for and fourteen against. J. Scott Richman then offered to amend the proposal of Mr. Ross by changing the time from one year to three months, but this was defeated by a vote of ten to eighteen.²⁵

The *Iowa Capital Reporter* of May 27, 1846, in commenting upon this particular question which was receiving considerable attention from the public as well as from the members of the Constitutional Convention, said:

Upon the amendment of Mr. Ross, the vote stood 10 yeas and 18 nays—five members voting against it who voted for Mr. Tryon's substitute. Had these been given in favor of the amendment, it would have been adopted by a majority of two. It will be seen, therefore, that either of the propositions would have succeeded, had the friends of the two been able to agree upon the terms. That they could not, is much to be regretted; for we believe that the time has arrived when foreigners who adopt this country as their home on account of their love of liberty and attachment to our institutions, should no longer be manacled and held as politically dead for a period of five years. We have always thought the term of probation was unreasonably long; and we believe that public opinion throughout the United States, if fairly tested, would be in favor of shortening it at least one half.

The newspaper also commented upon the objection that to admit foreigners to the right of suffrage would be contrary to the Federal Constitution. While Congress possessed the right to enact uniform naturalization laws and to determine by what means or process foreigners should become citizens of the United States, it had no authority or power to prescribe terms upon which a State should admit

²⁵ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, pp. 52, 53.

these people to the rights of suffrage and citizenship. Furthermore no objection could be offered by Congress to the incorporation of such a democratic principle into the new Constitution.²⁶

When the amendment of Mr. Ross and the substitute proposed by Mr. Tryon were being considered by the Convention, Sylvester G. Matson, delegate from Jones County, took the floor in behalf of the proposition to extend the electoral franchise to foreigners.²⁷ Mr. Matson was a practicing physician at Anamosa, prominent as a public speaker, and later a member of the House of Representatives of the First and Second General Assemblies. As chairman of the Standing Committee on Schools he assisted in locating the State University at Iowa City. Having received the recognition of the chair, Mr. Matson thus addressed the Convention:

Mr. President: I am for the adoption of this amendment. I go on the broad ground of equal rights. It matters not to me where a man was born, provided he has the heart and feelings of an American. It is enough for *me*, to know he is here — that this is his home — that he has selected this fair spot of earth for his residence — that he is willing to do his part in the support of our institutions, and to defend the rights of our country. I say, sir, I care not where he was born, I will give him the right hand of fellowship — I will give him welcome to all that I ask for myself — the right of a citizen of Iowa. This country, which I am *proud* to call *my* home, shall, as far as I am able to bring about the result, be made welcome to him.

Mr. Chairman, let us divest ourselves of all prejudice, and view this subject as it is. Our motto should be, everything for *principles*, nothing for man or party; every man should be ready to sacrifice all *personal* feelings — all party prejudices, (if he have any) on the altar of public good. He should thoroughly purify himself

²⁶ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 341-343.

²⁷ *History of Jones County, Iowa* (1879), pp. 566, 567.

and render his own bosom a fit receptacle for the spirit of liberty to dwell in, and then he will be ready to grant to others what he asks for himself. I am aware, sir, that it is said by some that foreigners are not fit to vote until they have been here many years — that they cannot understand and appreciate the rights of freemen in this country. But, sir, I am inclined to think differently, I am inclined to believe they know *better* how to appreciate the inestimable blessings of liberty than we do. What, I ask, has induced them to leave their native country and come to this? Have they had no information of this land of liberty? Have they never heard of our republican institutions, of our principles of equal rights? Ah, sir, they have heard of all this, and their hearts have been here long before they have been able to get here themselves. Many of them have labored for years, and saved every *pic* they could possibly spare and keep soul and body together, before they could get money enough to fetch them here. Yes, sir, oppression has driven them from their native country and they have come here prepared to prize liberty. They bring their all — their wives and their children, and experience has proved that they are among the very first to rally in defense of this land of their choice — and shall *we*, here, who have never tasted of the bitter cup of oppression — who have always dwelt in this land of liberty — who pride ourselves upon being born republicans, and boast of our principles of equal rights — I say, sir, shall *we* deal out an *injustice* to *them*? I trust not — I hope to see this clause adopted into our constitution, placing them on an equality with ourselves. Let not this sacred instrument, this soul of our body politic, be blackened by any clause that shall do injustice to any set of men.

Sir, I have not taken up much time in this convention, neither do I intend to do so — but I cannot suffer a subject, the result of which is fraught with such vast importance to pass without raising my voice in the support of what I conceive to be a principle that lies at the very foundation of all Republicanism — *Equal Rights*. — I say then, Mr. Chairman, in conclusion, that I hope this whole constitution will be conceived in the spirit of liberty and ushered into existence in full maturity, with every feature purely Republican — let there be no amalgamation with monarchy, aristocracy or monopoly — but let it breathe equal justice to all — let us prove to the world, in this instrument, that the liberality with which na-

ture has showered her blessings on this rich and beautiful country, is fully equalled by the noble and generous spirit of her sons — only stamp the spirit of liberty on every feature of our constitution — and depend upon it, this *heart* of America and *garden* of the *world* will ever prove as productive in the rich fruits of liberty as in the fruits of her soil.²⁸

Notwithstanding the eloquence of Mr. Matson's oratory and the weight of his argument, the provision to give to aliens equal privileges in regard to the franchise never materialized. The reason for this was, perhaps, as suggested in the *Iowa Capital Reporter*, that the friends of the measure failed to get together, and therefore were responsible for their own defeat.

Only one other change was made in the original report of the committee during its second reading and that was the adoption of the amendment proposed by Mr. Richman, which substituted the words "convicted of any infamous crime" in section five, relating to insane and infamous persons, in place of "declared infamous by act of the General Assembly". The discussion of the article having been concluded, it was ordered to be engrossed and referred to the Committee on Revision.²⁹ Three days later this committee reported the article as correctly engrossed, and on May 16, 1846, it was taken up and read a third time. Mr. Matson offered to amend section 5, which as previously amended read: "No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector", by adding thereto these words, "unless restored to the right of suffrage by an act of the General Assembly." The amendment of Mr. Matson was agreed to by the Convention and the Article on Suffrage as

²⁸ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 329-331.

²⁹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. 54.

amended passed its final reading.³⁰ As incorporated into the Constitution, and presented to the people for their sanction the article read:

RIGHT OF SUFFRAGE

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to, and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war, or public danger.

4. No person in the military, naval or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this state.

5. No idiot, or insane person, or persons convicted of any infamous crime, shall be entitled to the privileges of an elector.

6. All elections by the people, shall be by ballot.

A review of the amendments offered and agreed to by the Convention shows that, through some mistake or clerical error, the amendment of Mr. Matson to add to section 5 the words, "unless restored to the right of suffrage by an act of the General Assembly", was omitted from the draft of the Constitution as submitted to the people and ratified by them. Consequently this provision which gave to the legislature the power to restore the electoral franchise to any citizen who had been convicted of an infamous crime, although agreed to by the Convention, did not become a part of the supreme law of the State. There is no reason to believe that had this provision been included, it would have

³⁰ *Journal of the Convention for the Formation of a Constitution for the State of Iowa, 1846*, pp. 69, 102.

affected the vote upon the Constitution either one way or the other. There was also an unexplained change of "person convicted" to "persons convicted".

Although a few minor changes were made in the wording of the various sections of the Article on the Right of Suffrage in the Constitution of 1846 from that which appeared in the Constitution of 1844, the right of suffrage itself was not extended.³¹

THE RIGHT OF SUFFRAGE UNDER THE CONSTITUTION OF 1857

The Constitution of 1846 had scarcely gone into operation before a wave of discontent with certain of its provisions swept over the new Commonwealth. The restrictions placed upon banking and the method of selecting judges for the Supreme Court of the State were the chief reasons for the agitation for a revision of the new instrument of government.³² The provisions dealing with the right of suffrage had little if anything to do with the movement that resulted in the calling of a constitutional convention in November, 1856. This is well evidenced by the fact that the Committee on the Right of Suffrage, consisting of John Edwards, Robert Gower, William Patterson, Amos Harris, and Jeremiah Hollingsworth, in making their first report to the Convention of 1857, reported this article back as it was incorporated in the Constitution of 1846.³³

The report of this select committee was laid upon the table for future consideration.³⁴ In the meantime a number

³¹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, p. vi.

³² *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. ii.

³³ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 21, 36; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 26, 40, 41.

³⁴ *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 41, 42.

of resolutions and petitions were presented and referred to the Committee on the Right of Suffrage. First among these was the resolution offered by William Penn Clarke, which read:

Resolved, That the Committee on Suffrage be instructed to inquire into the expediency of providing that all elections in this State shall be holden on some other than the second day of the week.

This resolution of inquiry was agreed to and referred accordingly.

The second resolution read:

Resolved, That the Committee on Suffrage inquire and report on the expediency of referring to the 1st section of Article 2d, to the people as a separate clause, to be voted upon so that if a majority of the voters shall vote in favor of retaining the word "white" in said section it shall be retained, but if a majority thereof shall vote in favor of striking it out it shall be stricken out, so that said section shall read "Every male citizen of the United States".

This resolution which was offered by Rufus L. B. Clarke was for the time being laid upon the table.

A third resolution by J. A. Parvin, which was agreed to and referred, read as follows:

Resolved, That the Committee on the Right of Suffrage be requested to inquire into the expediency of inserting a clause as follows:

The General Assembly shall pass laws for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established;

And further, in Sec. 1, after the word "days" insert, "and within two years paid a state or county tax which shall have been assessed at least ten days before the election:" Also, add to said Sec. 1, "*Provided*, That electors otherwise qualified, between the ages of twenty-one and twenty-two years, may vote without the payment of taxes".

On the twelfth day of the Convention, Rufus L. B. Clarke

presented the petition of James Wright and fifty-five other citizens of Iowa, asking that the Constitution be amended so as to extend the electoral franchise to people of color. This petition was referred to the Committee on Suffrage.

Four days later, on February 4th, a similar petition, signed by Charles Jackson and thirty-two other colored people of Iowa, was presented by Mr. Parvin, and it was likewise referred to the Committee on the Right of Suffrage.³⁵

The report of the Committee on the Right of Suffrage recommended that the Article on Suffrage remain unchanged. This was the unanimous opinion of its members and Amos Harris, a member of the committee, openly committed himself against any change in the report whatever. The question of submitting this report to a select committee of five members caused much discussion. Some members desired to extend the franchise to the negro, while others favored the submission of such an important question to the people for their sanction or disapproval. The motion to refer the report to a committee of five prevailed, however, the vote being eighteen for and fourteen against. The members appointed on this special committee were Harvey J. Skiff, J. C. Hall, Rufus L. B. Clarke, Daniel W. Price and A. H. Marvin.³⁶ Three of these, Mr. Skiff, Mr. Clarke, and Mr. Marvin, were Republicans while Mr. Hall and Mr. Price were Democrats. This fact is worthy of note in that the committee in making its report presented also a minority report, the division being purely on party lines. The Republican members being a majority of the committee presented the following report through the chairman, Mr. Clarke:

³⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 39, 45, 47, 115, 216; *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 45, 47, 51, 96, 97, 119.

³⁶ *The Debates of the Constitutional Convention of the State of Iowa, 1857*,

REPORT

The Special Committee to whom was referred Article 2 of the Constitution, would report the same back again without amendment, and would recommend the adoption of the following resolution:

Resolved, That at the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" wherever it occurs in said Constitution, shall be separately submitted to the electors of this State for their adoption or rejection, in manner following, *viz*:

A separate ballot may be given by every person having the right to vote at said election, to be deposited in a separate box; and those given for the adoption of such proposition shall have the words "Shall the word 'white' be stricken out of the Constitution wherever it occurs?—Yes;" and those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the Constitution wherever it occurs?—No."

And if at the said election a majority of all the ballots cast for and against said proposition, shall have the words "Shall the word 'white' be stricken from the Constitution wherever it occurs?—Yes,"—then the word "white" shall be so stricken out and shall not be any part of said Constitution.

R. L. B. CLARKE,
Chairman.

J. C. Hall presented the minority report of the committee objecting to changing the article by striking out the word "white". The report read in part as follows:

The majority of the Committee have not deemed that amendment as proper or expedient, but have adopted a special course of bringing the question before the people by a separate proposition and vote.

To this mode of treating the subject there can be no great objection. It resolves itself into a mere question of propriety or expediency . . .

The proposition to invite the Negro and Indian to our State by a Vol. I, pp. 216-219; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 119, 120.

constitutional guarantee of equality with the white people, we feel confident cannot be sanctioned. The majority of the committee feel the force of this truth and hence they do not insist upon the amendment as a fixed feature in the constitution. With the fullest conviction that the voice of the people is against the measure, the majority recommend that it shall be the subject of popular agitation.

If the wish of the majority of the people of this State upon this subject was a question of doubt, if public sentiment was hesitating and undecided, there would be a reasonable cause for leaving the question unsettled by this Convention, and returning the power to settle it back to the people, the source of all power.

The undersigned do not believe that this is the case. They therefore conclude that no good can result from a separate submission of that question. Its only effect will be to keep up agitation, to furnish material and food for a morbid and forbidding sentiment that is fraught with evil to the Indian, Negro and Anglo-American races.

Suffrage is a delegation of political power. In our Government it is more than a mere badge of equality of rights, it is a guarantee of social, political and personal equality.³⁷

In this minority report, Mr. Hall and Mr. Price adopted the views presented by the select committee of the Constitutional Convention of 1844 in its report on the question of enfranchising the negro. This may be accounted for in part from the fact that Mr. Hall was chairman of the committee that made the former report. Copies of both reports were ordered to be printed for the use of the members of the Convention, but later this order was rescinded by a vote of the Convention. The question of rescinding the order to print caused heated arguments on both sides. The delegates were divided along strictly party lines, the Democrats being in the minority. It was the Democrats who desired the printing of both reports. They were accused by their

³⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 649-651; *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 239-244.

Republican associates of wishing to use these reports as "political capital". The Republicans also asserted that to print every report that was made regardless of its significance was only delaying the work of the Convention. The Democrats, on the other hand, contended that this action on the part of their opponents was neither fair nor courteous to them, because they were in the minority on every committee and a refusal to print was an attempt to keep the facts from the public and to claim all the glory for the Republicans. The reports, however, were not printed, but were entered at length both upon the *Debates* and the *Journal of the Convention*.³⁸

During the afternoon session of February 23rd, the Convention resolved itself into a Committee of the Whole to discuss not only the report of the Committee on the Right of Suffrage but also the report of the select committee on this subject. The truth of the matter was, however, that the debates touched only in an indirect way that part of the special committee's report relating to the striking out of the word "white" wherever it occurred in the Article on Suffrage. The greater part of the debate was confined to party history and party principles and the part that each played in the progress and prosperity of the nation and the State. The Democrats were flayed for having departed from the principles of the founders of their party as expressed in the Declaration of Independence, the Ordinance of 1787, the Constitution of the United States, and the Constitution of the State of Iowa. More than this, they were accused of having degenerated into a purely sectional party controlled

³⁸ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1844, pp. 52-55; *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, pp. 649-651, 657-664; *Journal of the Constitutional Convention of the State of Iowa*, 1857, pp. 239-244, 251, 252.

The Democrats here held that they were in a minority on every committee, but they had a big majority in the Committee on Militia.

wholly by the slave interests of the South. On the other hand, the Republicans were called "Black Republicans", and denounced for trying to make the negro the equal of the white man by securing to him equal rights and equal liberties under the new Constitution.

The debates upon this question occupied nearly two days of the time of the Convention, including one evening session. Mr. Clarke of Henry County, chairman of the special committee, who proposed submitting to the people for their ratification or rejection the question of striking out the word "white" in the Constitution made the following remarks in regard to his position upon the subject:

Now, sir, look at the resolution I offered, and what is it? Have I offered a resolution that negroes shall have the right of suffrage? Not at all. I do not ask any special legislation for them. I do not want them regarded in legislation as a distinct class. I do not ask for any special provision in our Constitution in their behalf, nor in behalf of Indians, any more than in behalf of Irishmen, or Germans, or Hungarians, or Frenchmen. I merely say here, let us trust ourselves to principles upon which our free government is based.

In answer to the objection that removing the restriction in regard to voting made the negro equal to the white man, Mr. Clarke said:

Because we allow to every white man the elective franchise, can the gentleman say to us that we are making them *equals*? Is it not then unfair, is it not contemptible, for gentlemen to get up here and charge that we want to make "negroes the equals of white men." It is not in the argument; it is foreign to it. If God has made them equal, they are equal; but human constitutions and human laws can never make men equal. Politically equal we all are. But morally equal, socially equal, intellectually equal? No, sir; no man ever attempted, or ever would attempt, by legislation, or by any section of any constitution, to say that they are equal!

He denied the charges of the opposition that this was a

"nigger" question: it was a matter of principle and he thought that the people themselves should have the right to pass upon a question that so immediately concerned their interests and well being. Mr. Clarke also pointed out the folly of fearing the dangers represented in the minority report. If such dangers actually existed, or were liable to threaten the future safety of the white population of the State, new guards should be added to our Constitution by "excepting the negro" in each section of our Bill of Rights. For example, if the people of Iowa so feared giving the negro constitutional rights, he suggested section one which read, "All men are by nature free and independent", should be amended by adding the word "white" before "men". The section would then read, "All white men are by nature free and independent".

In conclusion, he denounced the objections offered by the Democratic members as "petty struggling for political effect", and as "chicanery and intrigue" for the purpose of accumulating political capital.³⁹

J. C. Hall, one of the leading Democratic members in the Convention, took the floor in defense of his stand on the reports of the select committee, and particularly in defense of the party of which he had always been an active member. He denounced the Republican party as being sectional on the grounds that in the last national campaign not a single State of the South had been represented in the Republican National Convention. He further denounced the statement which had been made upon the floor of the Convention chamber that the Democratic party favored slavery and its extension. Speaking in this connection, Mr. Hall said: "Our institutions, our laws, and our purposes, as declared in our public records, and our public meetings, prove that

³⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 666-672, 676-680.

we are opposed to the institution; while at the south their institutions, their proceedings, and their records, show and establish the fact that they are in favor of it."

In his discussion, Mr. Hall outlined the position of the Democratic party describing it as a national party. This party, he said, "had its origin with the government, which has stood the test of time, which has been the originator of every great measure which this country has ever adopted — the party which has originated every step in the march of the country on to glory."

Coming back to the question of giving the negro equal rights with the white man, Mr. Hall said:

It would be out of order to argue the question of the propriety of admitting this population upon an equality with the white race. Strike out the word "white" from the constitution! I would as soon strike the word out of Webster's dictionary, as strike it out of the constitution of my country.

He next attacked the argument of the Republican delegates on the "principle" involved. He continued:

Why then, does the gentleman [referring to Mr. Gillasp] limit this right of suffrage to white male persons, who are twenty-one years of age? Does not this bill of rights say, that all persons are equal? Are not women persons? Are not minors persons? And are they not created equal? And yet minors and females are excluded from the privileges of other citizens. Our bill of rights, if it does not include them, according to the doctrine of the gentlemen, is a libel upon the principles of our government. I would as soon — indeed I would a great deal sooner — trust the females of this country with the right of suffrage, than to trust the colored population, Indians and negroes with this right.⁴⁰

The reasoning of Mr. Hall in reference to permitting women to vote was logical and reasonable, but the idea being in advance of its time received no consideration whatever by the Convention. It is not certain, however, that

⁴⁰ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. II, pp. 687-694.*

Mr. Hall actually favored such action — he probably used the idea merely to belittle the argument of the Republican members who favored the enfranchisement of the negro.

J. A. Parvin in an uninterrupted speech of over sixteen thousand words carefully outlined the position of the Democratic party upon the leading issues that had come before the country from the time of the Constitutional Convention in 1787 down to 1857. He aimed to show that the Democratic party of 1857 was not governed by the principles of the fathers, and that it was the Republican party which now defended those rights and principles advocated by the founders of the American Union. For this reason he claimed that the Democratic party was a sectional party, whereas the Republican party was now a national party. Because of the noble principles for which his party stood, he held no fear that it would be short-lived and unsuccessful.

Parvin asserted that the slave-holding States of North Carolina and Georgia both gave the negro the right to vote. North Carolina prescribed a property qualification, but Georgia had none. To him it appeared that if the slave States could grant this right to the negro, that there was no reason why free States should deny to them this right.⁴¹

During the course of his discussion which dealt largely with the slavery issue Mr. Parvin disclosed his scheme for the liberation of the unfortunate people of color. Speaking on this point he said:

Perhaps I have peculiar views with regard to this unfortunate race. I think I have my prejudices against them. But I look back and see that they have been brought from their native country, by the high hand of oppression; they have been sold in this country,

⁴¹ It is doubtful if free negroes actually voted in these States. A constitutional amendment in North Carolina in 1835 disfranchised colored freemen.—Poore's *The Federal and State Constitutions and Colonial Charters of the United States*, Vol. II, p. 1416.

and they and their descendants have become articles of traffic. I consider that we owe them a debt, in consequence of this system of slavery, which was entailed upon us by Great Britain, and subsequently by Congress. We owe them a debt, which we should repay by educating them, and colonizing them in their own country. As I have said, I have my prejudices against them. My prejudice is such as to lead me to desire that they shall not be left in this country, because I do not think their presence would be advantageous to either of the races. I am, therefore, a colonizationist.

I am in favor of using all constitutional means against slavery. I would check it where it is now. And when once it is securely confined, the increase of the black population will be such that their value will be depreciated until the consent of their masters will be easily obtained to their emancipation. Then let provision be made for their education, and then send them to Liberia, if they are willing to go. But I would not force them to go, if they were not willing to leave this country. If they will remain here in the United States, let them remain. But if they will consent to go to Liberia, then let provision be made to send them there.

It was Mr. Parvin's idea that if slavery could be confined within a certain area, the slave would in time depreciate in value, and thus the problem of emancipation would be rendered less difficult. For this reason he believed that every effort should be put forth to stay the spread of this great curse.⁴²

Other members, among whom John T. Clark, John Edwards, George W. Ells, Hiram D. Gibson, and William Penn Clarke took leading parts, discussed this subject at considerable length. The discussions, however, had very little bearing upon the subject in hand, but were more a review of party history and principles with particular reference to slavery. The youthful Republican party was being put to a test and it remained to be seen whether or not its members would uphold the principles they so ardently advocated.

⁴² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 699, 700, 701, 704, 705, 709.

The entire question of the right of suffrage was then permitted to rest until four days later, February 28th, when the report of the standing committee was first taken up for consideration in Committee of the Whole.⁴³

William Penn Clarke moved to change the residence requirement as set forth in section one, from six months to one year. His reason for offering such an amendment was that he believed that the protection of the right of suffrage was one of the most important duties devolving upon the Convention. Speaking of the importance of a longer period of residence, he said:

A man should live here not only long enough to know something about the public policy of the state, but in order to be known in the community in which he resides, so that when he goes to the ballot box to deposit his vote, he may be known; so that his right to vote may not be questioned, or if questioned shall be readily substantiated. I regard this as important in protecting the integrity of the ballot box, and the right of suffrage, as they ought to be protected. The experience of the last five years in the state of Iowa shows that the right of suffrage is not guarded with that careful scrutiny with which it should always be protected.

The proposition made by Mr. Clarke aroused considerable opposition. In reply to the above argument John T. Clark of Allamakee County said:

If the gentleman's theory is correct, the State of New York ought to require a man to spend six or eight years there before he could be allowed to vote. If our State with a population of six or seven hundred thousand inhabitants, requires a residence of a year, the great State of New York, with its six millions of inhabitants, should require a residence of five, six, eight or ten years, because the man could become sufficiently acquainted with such extended wants and diversified interests.

Mr. Clark also stated that he could "see no necessity for saying that a person who is a citizen of the United States,

⁴³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 657-717, 859.

who is recognized to be such by the laws of the United States, when he changes his domicil, when he changes his place of residence to the State of Iowa, should be required to live in this State one year, disfranchised, and deprived of the rights of an American citizen, deprived of the elective franchise for twelve months, simply because he has changed his place of residence from one State to another."

To Mr. Clark there was but one good reason for placing a residence requirement upon the privilege of voting, and that was to determine whether or not it was the individual's purpose in coming here to become a resident of the State. For no other reason, he argued, should intelligent citizens of the United States coming into Iowa be disfranchised for a longer period than six months.

Rufus L. B. Clarke of Henry County suggested that the only means he could see for prohibiting the abuse of the voting privilege would be to establish some sort of a registry system. That would tell whether or not a person intended to be a resident. His argument was as follows:

It is without any unkind feelings, but, on the other hand, with the most liberal and generous feelings toward all classes, wishing to extend to them the blessings of our government, wishing to perpetuate republican institutions which will throw around them safety and protection, that I am for denying to them that which we cannot grant while we would preserve the purity of our ballot box and system of voting; and it is for these reasons that I am in favor of a registry system. But anything that looks to cutting off American citizens, citizens of the United States, either of adoption or native born, who are honest men, from voting where they belong and where they reside, that I am opposed to. I agree that the American citizen ought to be allowed to vote for officers of the general government. I wish it could be so regulated that this right could be exercised wherever they might be. But then comes in that other evil, that it will allow the vote to be shifted from one point to another, and thus to be used to turn the election in this precinct or in that precinct. We must therefore have these guards and checks

somewhere. If we cannot have it in regard to time, let us have it in regard to a registry law, which I think more equitable, and more certain to attain the object at which the gentleman is aiming.

The idea of a registry law did not appeal to John Edwards who considered it inapplicable to the State of Iowa, owing to the sparsity of population. Such a law would apply with good effect in those States having a dense population. Nevertheless Mr. Edwards favored guarding the elective franchise and the sanctity of the ballot box. The only question in his mind was in regard to the length of the residence requirement. Should it be twenty, thirty, sixty days, or six months? He was decided in his own mind that twenty days was not long enough. He favored putting the restriction at three months, but if others considered that too long, he would be willing to make it sixty days.

The amendment of William Penn Clarke of Johnson County to extend the period of residence to six months was defeated by a vote of eleven to twelve. Mr. Clarke then offered to amend section one by adding, "And the general assembly shall provide for registering the legal voters of this state." This proposal was concurred in by the Committee of the Whole by a vote of fourteen to eleven.

No further amendments being offered to sections one, two, and three, Robert Gower moved to amend section four, which related to persons in the military service, by adding, "Nor shall any student in any seminary or institution of learning, in consequence of being such student." Mr. Gower personally knew of cases in which students at academies had controlled local elections. The intention, he said, was not "to cut these students off from the rights of citizenship, if they are citizens. It is meant to prevent students from other states, who come here merely as students, from participating in our elections." This amendment, however, was lost.

There had been no occasion thus far in the history of the State demanding such an amendment to the Constitution, but Mr. Gower feared that unless such a provision was made there might be a time when certain elections would actually be controlled by the students in colleges and universities of the State. A similar provision had been incorporated in the Constitution of the State of Maine, the birthplace of Robert Gower. This, no doubt, was the reason why he proposed this amendment. It is interesting to note that an amendment containing the same provisions had been offered by James H. Gower during the session of the Constitutional Convention of 1844. The two men were brothers, both had come to Iowa from the State of Maine in the early forties, and both represented Cedar County.⁴⁴

No amendment being offered to section five, J. H. Emerson proposed to strike out "by ballot" in section six, which provides that all elections shall be by ballot, and to insert "*viva voce*". This proposal was also defeated. No further changes were made by the Committee of the Whole.

Francis Springer, President of the Convention, then resumed the chair, whereupon the chairman of the Committee of the Whole reported that one change had been made by the committee to whom the Article on the Right of Suffrage had been referred, and that the committee asked to be discharged from further consideration of this article. This report was favorably received and the committee was discharged.

The amendment of the Committee of the Whole to add to section one the words "And the General Assembly shall provide for registering the legal voters of the State", was now taken up in the Convention. Before a vote was taken, Amos Harris said he hoped that the amendment would not

⁴⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 859, 860, 861, 862, 863, 866, 867, 868, 869.

be adopted, because circumstances in Iowa did not warrant such an amendment. Besides, it would work a hardship upon voters living in rural districts, who would not always be able to come long distances to register and therefore would be disfranchised. Moreover, Mr. Harris believed that matters of this kind fell within the sphere of legislation and should be left to the legislature to decide and to act upon. The amendment when put to a vote was defeated by a vote of ten to twenty.

Following this vote Mr. Clarke of Johnson County moved to amend section one by extending the residence requirement in the State to one year. This motion was defeated by a large majority. He then moved to amend the same section by extending the residence requirement for voting in the county from twenty days to three months. This motion was also defeated by a vote of fifteen to seventeen.

Mr. Clarke of Henry County then moved that the period of residence in the county should be changed from twenty to sixty days. The majority of the delegates agreed to this proposal, the vote being eighteen for and fourteen against.

No further amendments being offered at this time, the amended article was referred to the Committee on Revision, Engrossment, and Enrollment.⁴⁵

On the same day — March 2nd — the Convention resolved itself into a Committee of the Whole to consider further the report of the special committee on the right of suffrage, and the amendment of Mr. Skiff, which proposed restricting the vote upon the question of striking the word "white" out of the Constitution to the Article on Suffrage alone. Discussion began immediately, and in many respects it was almost identical with that which took place when the question was first presented for consideration.

⁴⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 869, 870, 871.

Mr. Clarke of Johnson County in a speech of nearly seventeen thousand words reiterated the history of the Democratic party injecting from time to time such facts as tended to prove that the Democratic party of that day was not upholding the principles and doctrines that it had championed in days gone by, and that it was now largely controlled by southern influences. He endeavored in this extended speech to show first, that the Democratic party had, since 1850, changed its position on the slavery question; second, that it had made this change at the dictation of the South; and third, that the sole object and purpose of the Democratic party was the extension and perpetuation of slavery.

Detailed and lengthy remarks were also made by Mr. Harris, a Democrat, and by George W. Ells and David Bunker, Republicans. Mr. Bunker centered his discussion around the idea that "slavery is the master crime of the human soul". He was therefore inclined to believe that the people of Iowa would suffer by leaving the word "white" in the Constitution and that "we would be in far greater danger of sapping the principles of civil liberty, than we would by allowing the few negroes who may be in the State the privilege of voting at our elections." For this and other reasons, Mr. Bunker said he would support the resolution now under consideration although he had formerly opposed it.

Following a few brief remarks of no great consequence by some of the other delegates, a vote was taken in regard to changing the resolution of the special committee so that it would apply only to the first section of the second article of the Constitution. This was decided in the affirmative.

James F. Wilson then proposed to make the latter part of the resolution read as follows:

And if, at said election, a number of ballots, equal to a majority

of all the ballots cast for and against this constitution, shall have the words "shall the word 'white' be stricken out of the first section of the second article of this constitution?—Yes," then the word "white" shall be stricken out, and shall not be a part of the said constitution.

To adopt the amendment proposed by Mr. Wilson and thus to have the word "white" stricken out of section one of the Article on the Right of Suffrage, the votes for the amendment must be a majority of all the votes cast for and against the Constitution. This meant that it would be more difficult to strike the word "white" from this section than to adopt the Constitution, since many of the electors voting for or against the Constitution would, through neglect or indifference, fail to vote upon the resolution submitted. This proposition was, nevertheless, favorably received, and no further amendments being offered in the Committee of the Whole, the matter was taken up in Convention.⁴⁶

The amendments adopted in the Committee of the Whole were both passed by large majorities in Convention. The section as amended read as follows:

At the same election that this constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white," from the article on the "Right of Suffrage", shall be separately submitted to the electors of this state for adoption or rejection, in manner following, viz: A separate ballot may be given by every person having a right to vote at said election to be deposited in a separate box and those given for the adoption of such proposition shall have the words "Shall the word 'white' be stricken out of the article on the "Right of Suffrage?" "Yes." And those given against the proposition shall have the words "shall the word 'white' be stricken out of the article on the "Right of Suffrage?" "No." And if at said election a majority of the ballots equal to a majority of all the ballots cast for or against this constitution, shall have the words, "shall the

⁴⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, pp. 888-905, 906-910, 911, 912.

word 'white' be stricken out of the first section of the second article of the constitution?" "Yes",—then the word "white" shall be stricken out and shall not be a part of the said constitution.

For the whole resolution as now amended, Mr. Harris proposed to substitute the following, taken, as he said, from the Constitution of Indiana:

ARTICLE,—NEGROES AND MULATTOES

Section 1. No negro or mulatto shall come into the state, after the adoption of this constitution.

Sec. 2. All contracts made with any negro or mulatto coming into the state contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the state, shall be fined in a sum not less than ten nor more than five hundred dollars.

Sec. 3. All fines that may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes and their descendants, as may be in the state at the adoption of this constitution.

Sec. 4. The General Assembly shall pass laws to carry out the provisions of this article, and to make provisions for the colonization of the negroes and mulattoes, and their descendants who shall at the time of the adoption of this constitution have a legal residence in the State.

Upon motion of Mr. Hall this proposal was laid upon the table without discussion. In order to give certain members an opportunity to discuss the subject before the Convention, it was decided that no further business would be transacted until the following day, Tuesday, March 3rd.

When the time arrived for discussion of the resolution in regard to enfranchising the negro, J. H. Peters and George Gillaspy, the members who had asked for an opportunity to speak, decided that they had nothing to say upon this subject. Sheldon G. Winchester, however, took the floor and in a short speech stated some of the reasons why he was a

Republican, and the principles for which the Republican party stood. Because of these principles in which he thoroughly believed, he declared that he would vote in favor of the resolution.

The resolution was then ordered to a third reading by a vote of twenty to thirteen. All the twenty members voting in favor of the question were Republicans; all of those voting against it were Democrats. The issue was thus terminated along purely party lines, and was no doubt intended to be used for political ends in the coming election.⁴⁷

Against the main Article on Suffrage as a whole there seemed to be but little objection for few changes were made in the article as it had appeared in the Constitution of 1846, and upon its third reading only two votes were cast against it. The dissenting votes were those of J. H. Emerson of Dubuque County and John H. Peters of Delaware County, both Democrats. Of the thirty who voted in favor of the article ten were Democrats and twenty Republicans.

The article as adopted by the Convention read:

RIGHT OF SUFFRAGE

Section 1. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, and going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being

⁴⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. II, pp. 912-917.*

stationed in any garrison, barrack, or military or naval place or station within this State.

Sec. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

Sec. 6. All elections by the people shall be by ballot.⁴⁸

The resolution referring to the people the question of striking the word "white" out of the Article on Suffrage, having passed a second reading and been referred to the Committee on Revision and Engrossment, now appeared as section fourteen of the Article on Schedule, although no logical reason can be cited for its inclusion in this article, or in the Constitution until it had been adopted by the popular vote. It was an issue in itself and required a separate ballot, yet it appeared as a part of the new Constitution and had to be voted upon by the people as a part of that instrument.

Upon the third reading of this resolution Mr. Edwards suggested a change in its phraseology, and moved that the words, "of this constitution", at the close of the section be replaced by the word "thereof". This change was agreed to, and this part of the amended section then read:

And if at said election the number of ballots in favor of said proposition, shall be equal to a majority of those cast for and against this constitution, then said word "white" shall be stricken from said article and be no part thereof.

No separate vote was taken on this section, but the final vote upon the whole Article on Schedule, of which it was a part, was twenty for and twelve against. The twenty members in favor thereof were all Republicans, while those opposed to the article were all Democrats. The final vote upon the adoption of the Constitution as a whole was twenty-five for adoption and seven opposed. All those disapproving were Democrats, while of the twenty-five voting

⁴⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. II, p. 1008.*

for adoption, four were Democrats and twenty-one were Republicans.⁴⁹

So far as the electoral franchise was concerned, no further provisions were made either restricting or broadening this important privilege. The whole Article on Suffrage was much the same as that in the Constitution of 1846, the only difference being in terminology, for no extension of the franchise was made. If, however, the people should vote in favor of striking out the word "white" from this article, a very important change would thereby be effected, for this would grant to all male citizens who were otherwise qualified voters the privilege of using the ballot box regardless of race or color.

This proposition, together with the new Constitution, was submitted to the voters at the election on Monday, August 3, 1857.⁵⁰ The vote at this election according to the latest abstracts from the Public Archives Division was 38,856 against the adoption of the Constitution and 40,316 in favor of it. The Constitution was therefore adopted by the small majority of 1460 votes.

The vote upon the special proposition to strike out the word "white" from the Article on Suffrage was 8489 for adoption and 49,387 against.⁵¹ Thus the proposition to grant to people of color living within the State equality in the exercise of the electoral franchise was defeated by the overwhelming majority of 41,182 votes.

The voting population of the State was almost equally divided between the Republican and Democratic parties in 1857 as was indicated by the April election where the Demo-

⁴⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1035, 1036; *Journal of the Constitutional Convention of the State of Iowa, 1857*, pp. 10, 380, 386, 387.

⁵⁰ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 256.

⁵¹ Taken from the latest abstracts compiled by the Public Archives Division

crats elected two out of three of their candidates for office, the largest majority being about five hundred votes. This fact was also demonstrated in the October election when the Republicans elected their candidate for Governor by a majority of over two thousand votes.⁵² The Constitution which was the revised product of a Republican majority in the Convention was adopted by a majority of only fourteen hundred and sixty votes, yet the proposal to strike out the word "white" from the Article on Suffrage, also a Republican measure and a cherished principle of the leaders of the new party, met an overwhelming defeat. This election clearly indicated the attitude of the people of Iowa toward the enfranchisement of the negro, and it was not until after the Civil War that colored men were given this privilege.

THE RIGHT OF SUFFRAGE ENLARGED SINCE 1857

No subject taken up in the Constitutional Convention of 1857 elicited more heated debates than that on the right of suffrage. During the course of these discussions which involved the whole question of African slavery from the establishment of the Federal government down to the middle of the nineteenth century, John Edwards, delegate from Lucas County, predicted that the suffrage would some day be extended to include the people of color. He said:

I have hoped, and I hope yet the day will come when the fetters shall be stricken from all this unfortunate race. Aye, and the day will come, as sure as there is a just God in Heaven.

And the unfortunate colored man, who was stolen from his native land, and is now suffering under the yoke of oppression and bondage, will some day receive justice, and when that justice is meted out to him, Heaven grant that this nation does not suffer.⁵³

of the Historical Department of Iowa. A copy of this abstract is now on file with the State Historical Society at Iowa City.

⁵² Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, Ch. III, pp. 42, 44.

⁵³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, p. 682.

The raid upon Harper's Ferry, Virginia, late in October of 1859,⁵⁴ was the beginning of the fulfillment of this prediction. The Emancipation Proclamation of January 1, 1863, was another step in this direction, and the adoption of the Fifteenth Amendment to the Federal Constitution proclaimed to be in force on March 30, 1870,⁵⁵ was the realization of Mr. Edwards's prophecy made thirteen years before, which he, himself, a distinguished general of the Civil War, lived to see.⁵⁶ However, before the Fifteenth Amendment to the Federal Constitution was adopted Iowa had taken action to grant to the negro the right of suffrage on terms of equality with the white citizens of the State.

THE AMENDMENT OF 1868

The Eleventh General Assembly of Iowa in regular session in 1866 proposed a series of amendments to the Constitution of the State, two of which related to the Article on the Right of Suffrage. The first of these was to strike out the word "white" from section one of Article II. This amendment if adopted would grant to people of color the same privileges in regard to the exercise of the elective franchise as was granted to white male citizens.

The second proposal affecting the Article on Suffrage was the sixth amendment in the series proposed by the Eleventh General Assembly. This amendment proposed to add to section five of this article the following:

Nor shall any person who has committed or may hereafter commit the crime of treason against the United States, nor any person who has absconded for the purpose of avoiding any military conscription or draft, ordered by the authority of the United States or this State, be entitled to the privilege of an elector, or qualified to hold any office under the constitution and laws of this State. In

⁵⁴ Gue's *History of Iowa*, Vol. II, p. 30.

⁵⁵ McClain's *Constitutional Law in the United States*, p. 421.

⁵⁶ *Annals of Iowa* (First Series), Vol. VIII, pp. 376-381.

order that the provisions of this section may be effectually enforced, the Legislature may by law prescribe a suitable Oath to be taken under such limitations as it may deem proper, by persons offering to qualify for office or to vote, to the effect that they are not subject to the disabilities of this section.⁵⁷

In his report on the amendments referred to his committee, the chairman of the Committee on Constitutional Amendments in the House of Representatives of the Eleventh General Assembly recommended that these two amendments be adopted by the House. "The provisions of this amendment", he said of the second proposal, "are eminently just in themselves, and due to the soldiery of Iowa and their posterity as a just rebuke to those who vainly attempted to destroy the fairest, freest, and best Government the world has ever seen. It is the least punishment that those who gave or may hereafter give their aid to rebellion or insurrection to the Government of the United States, and may, in a just sense, be said to be magnanimous on the part of the loyal people of Iowa."⁵⁸

From this report and the provisions of the proposed amendment, the fervor and intensity of feeling created by the late war against those who had directly or indirectly given aid and comfort to the Confederate Army or who had carried on a guerrilla warfare within the borders of the State may be readily seen. Undoubtedly, this was an effort to inflict upon the "Copperheads", as they were called, a penalty for having aided the enemy in the recent struggle. The din of battle had scarcely died away, the horrors of the war were still fresh in the memories and minds of men, and that sober and deliberative state of mind with which men reason in times of peace and quietude had not as yet been restored.

⁵⁷ *Laws of Iowa*, 1866, p. 106.

⁵⁸ *Journal of the House of Representatives*, 1866, p. 323.

In order to insure the stability of the fundamental law of the Commonwealth, the framers of the Constitution of 1857 provided such means for the changing of this instrument as would guard against any rash and radical action on the part of the people during periods of stress and unusual excitement. Had this proposition been submitted to the people for their sanction in 1866, just after the Eleventh General Assembly had adopted it, there is little doubt but that the amendment would have been ratified by a large majority vote. Fortunately, however, the Constitution provided that a constitutional amendment must be submitted to two regular sessions of the General Assembly and if approved by them must then be submitted to the electors for ratification or rejection.⁵⁹

By the time the members of the Twelfth General Assembly entered upon their duties in 1868, some of the bitterness and animosity of feeling created by the Civil War had passed away.⁶⁰ Many of its problems, however, were yet to be solved, and the amendments proposed by the previous Assembly concerning the rights of the negro, and the disqualification for office and for the franchise of all those who had deserted the Union cause in the war and given aid to the enemy now came up for settlement. There is nothing in the records of the journals of the House or Senate of 1868 to indicate why all of the series of amendments approved and submitted by the previous legislature were not passed. *The Acts of the Twelfth General Assembly*, however, show that only five of the six amendments of the series were adopted and later submitted to the people for their consideration.⁶¹

⁵⁹ *Constitution of Iowa*, 1857, Art. X, Sec. 1.

⁶⁰ Cole's *A History of the People of Iowa*, p. 377.

⁶¹ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 260-267; *Laws of Iowa*, 1868, pp. 290, 291.

The refusal to accept amendment six, proposed by the Eleventh General Assembly, which would have disfranchised all those who had deserted the Union cause and given aid and comfort to the Confederate Army, is evidence that the feeling of ill-will toward these individuals was fast being ameliorated.

Having passed all of the required steps outlined in the process of amendment, the amendments which were adopted by the General Assembly were finally submitted to the electorate at the general election held on November 3, 1868. Amendment one, proposing to strike out the word "white" from section one of the Article on the Right of Suffrage and the only one relating to suffrage which still remained in the list was adopted by a majority of 24,265 votes, 105,384 votes being cast in favor of the amendment and 81,119 votes against it. The official sanction of Governor Merrill was received on December 8th, and the suffrage was thereby extended and enlarged for the first time in the history of the State.⁶² Under this extension of the elective franchise, the negro enjoyed the exercise of the right of suffrage in Iowa for more than a year before the Fifteenth Amendment to the Federal Constitution, prohibiting the several States from denying the right to vote to citizens of the United States "on account of race, color, or previous condition of servitude", was ratified.⁶³

In 1884 a constitutional amendment added a seventh section to the Article on the Right of Suffrage. This, however, did not affect the suffrage: it provided that State and local elections in Iowa⁶⁴ should be held on the Tuesday after the

⁶² *Iowa Official Register*, 1923-1924, p. 36; Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 260-267.

⁶³ McClain's *Constitutional Law of the United States*, p. 421.

⁶⁴ *Journal of the House of Representatives*, 1882, pp. 6, 54; *Laws of Iowa*, 1882, p. 180, 1884, p. 234; Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 280.

first Monday of November, thus making the date the same as that of the election of presidential electors.

This section was amended in 1916 by substituting the following:

The general election for state, district, county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of the presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.⁶⁵

It is said that this change was made at the suggestion of the travelling men who desired that the election be held on Monday instead of on Tuesday so that they might not be compelled to return home to vote after starting out for the week. This amendment gave the General Assembly the right to fix the date of the election after 1916 and also made provision for holding State elections on the same day as the presidential election which the travelling men were also trying to have changed to Monday.⁶⁶

This amendment to the Iowa Constitution has resulted in no change of the election date, because of the adoption of the absent voters law in 1915 which enabled those absent from home on election day to vote by mail thus satisfying the travelling men and because no change has been made in the date of the presidential election.⁶⁷

SUFFRAGE EXTENDED TO WOMEN

On May 19, 1919, James R. Mann, Chairman of the Standing Committee on Woman Suffrage in the House of Representatives of the Sixty-sixth Congress, introduced a joint resolution (H. J. Res. 1) proposing to add an amendment to the Federal Constitution that would grant the right of suf-

⁶⁵ *Laws of Iowa*, 1915, p. 264.

⁶⁶ Letter from Mr. U. G. Whitney to the author, dated November 15, 1923.

⁶⁷ *Laws of Iowa*, 1915, pp. 203-207, 263, 264.

frage to women. The proposed amendment as introduced read:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.⁶⁸

Some amendments were offered to the resolution. One proposed that the amendment must be adopted by the electorate of three-fourths of the States rather than by the legislatures of three-fourths of the States. All these amendments, however, failed to carry, and the joint resolution after some debate came before the House for adoption or rejection. The count showed that there were three hundred and four votes for the resolution and ninety votes against it. Thirty-three representatives did not vote on account of absence or other cause, and one answered "present". Of the eleven Representatives from Iowa all voted in favor of the resolution except Harry E. Hull of the Second Congressional District.⁶⁹

In the Senate the joint resolution was debated at length and passed by a large majority. Fifty-six Senators voted for the amendment, twenty-five against it, and fifteen did not vote. The Iowa senators, Albert B. Cummins and William S. Kenyon, both voted in favor of its adoption.⁷⁰ None of the Iowa Representatives or Senators spoke either in favor of or against the amendment during the time that it was being debated. The joint resolution as adopted by the two houses of Congress was duly signed on June 4th by the Speaker of the House and on June 5th by the President of the Senate.⁷¹

⁶⁸ *Congressional Record*, 66th Congress, 1st Session, pp. 11, 24, 78.

⁶⁹ *Congressional Record*, 66th Congress, 1st Session, pp. 81, 87, 93, 94.

⁷⁰ *Congressional Record*, 66th Congress, 1st Session, p. 635.

⁷¹ *Congressional Record*, 66th Congress, 1st Session, pp. 662, 669.

The amendment was then submitted to the legislatures of the several States. Many of the Governors called special sessions of the legislatures for the purpose of considering the woman suffrage amendment to the Federal Constitution. In Iowa, Governor W. L. Harding issued a proclamation on the twenty-eighth day of June, for a special session of the legislature to convene at Des Moines on July 2, 1919.⁷²

When the legislature assembled on the date set for the special session, forty-eight out of fifty Senators were present and one hundred Representatives appeared out of the total of one hundred and eight. In the Senate the vote for ratification of the amendment in question was unanimous, while in the House of Representatives the vote stood ninety-five for ratification and five against.⁷³ Thus Iowa, by a large majority vote, was the tenth State in the Union to ratify the national suffrage amendment.⁷⁴

Many attempts had been made in Iowa prior to this time to grant equal suffrage to women, but it was not until June 5, 1916, that the question of amending the State Constitution so as to make no distinction as to sex in regard to voting qualifications was submitted to the voters at a special election. The suffrage amendment was defeated by over ten thousand majority, the vote being 162,849 to 172,990.⁷⁵

A similar amendment was proposed by the Thirty-seventh General Assembly in 1917, but due to an oversight in the office of the Secretary of State it failed to be published as required in section one of Article X of the Constitution of Iowa. This failure of publication prevented its introduction in the Thirty-eighth General Assembly.⁷⁶

⁷² *The Des Moines Register*, June 29, 1919.

⁷³ *The Dubuque Telegraph-Herald*, July 3, 1919.

⁷⁴ Payne's *The Constitution of the United States of America*, p. 33.

⁷⁵ *Iowa Official Register*, 1917-1918, pp. 462-481.

⁷⁶ *Iowa Official Register*, 1923-1924, p. 39.

The Thirty-eighth General Assembly, however, passed a similar amendment, but before the amendment came to a vote in the next General Assembly the ratification of the suffrage amendment to the Federal Constitution gave Iowa women the franchise. Thirty-six States had ratified the amendment and Secretary of State Robert Lansing issued a proclamation on August 26, 1920, declaring the Nineteenth Amendment to be a part of the supreme law of the land. Two States, Connecticut and Vermont, ratified the amendment after the Secretary's proclamation; nine States — Alabama, Georgia, Mississippi, South Carolina, Virginia, Maryland, Delaware, Louisiana, and North Carolina — definitely rejected the amendment; and Florida failed to take any action in the matter.⁷⁷

Since the adoption of this amendment, the only political disability of women in Iowa is the constitutional provision which excludes them from holding seats in the General Assembly of the State. Section four of Article III of the Constitution states that to qualify for membership in the House of Representatives, a person must "be a free male citizen of the United States". Section 5 of this same article states that members of the Senate "shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship." This has generally been inter-

⁷⁷ *The World Almanac and Encyclopedia*, 1922, p. 425; Payne's *The Constitution of the United States of America*, p. 33; *Laws of Iowa*, 1919, pp. 116, 117; Catt and Shuler's *Woman Suffrage and Politics*, pp. 485, 486.

It was not, however, that the Governor of Florida did not favor the suffrage amendment. On the contrary when the question of ratification was submitted, Governor S. J. Catts, in a message to the Florida legislature which was then in session, said that Florida might be the first State to ratify if they so desired. The legislators laughed at his recommendations, and took no action upon the proposed amendment. Soon after the legislature adjourned, and later when the National Suffrage Association asked Governor Catts to call a special session for the purpose of voting upon the suffrage amendment, he refused to do so on the grounds that the members of the legislature already had had an opportunity to take action in the matter.

puted to prohibit women from holding seats in either house, and in order that they may enjoy this privilege it will be necessary to add an amendment to the State Constitution removing the word "male" from this section. Women are eligible to all other offices in the State if they are voters since there is no constitutional requirement in other cases that the officials be "male" citizens and the extension of the franchise automatically opened the other offices to women.

Governor N. E. Kendall in his inaugural address before the Fortieth General Assembly on January 11, 1923, in speaking of "Equal Rights" said, "I earnestly urge that the first measure adopted by you may be for the removal from the constitution and statute of every discrimination there existing against the enjoyment by women of every prerogative now exercised by men."⁷⁸

On January 20, 1923, a joint resolution was introduced in the House of Representatives by S. L. Graham of Wapello County and A. O. Hauge of Polk County, which proposed to strike out the word "male" from section four of Article III of the Constitution, thus opening the General Assembly to women.

This joint resolution was later amended and then passed by both houses of the General Assembly and approved by the Governor on February 23, 1923.⁷⁹ It now remains for the General Assembly which will convene in January, 1925, to pass upon the proposed amendment, and if approved by the Forty-first General Assembly the amendment must then be submitted to the qualified voters of the State.

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THE STATE HISTORICAL SOCIETY OF IOWA

IOWA CITY IOWA

⁷⁸ *Journal of the House of Representatives*, 1923, pp. 153, 162.

⁷⁹ *Journal of the House of Representatives*, 1923, pp. 264, 284, 564, 706; *Journal of the Senate*, 1923, pp. 430, 503, 504, 633; *Laws of Iowa*, 1923, p. 427.

THE LOCATION OF COUNTY SEATS IN IOWA

[This is the second installment of the article by Mr. Jacob A. Swisher on the location of county seats in Iowa. The first section, containing an account of the counties from Adair to Clarke, inclusive, appeared in THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1924. The article will be continued in the July number.—THE EDITOR]

Clay County.—Clay County was established in 1851. Two years later the legislature attached it to Waukau County—now Woodbury. At this time there were very few residents in the county and it was not until the fall of 1858 that the settlers petitioned for a separate organization. Officers were elected in October of that year, but no county seat had been selected and official business was transacted in the private homes of the officers.

On June 7, 1859, Judge A. W. Hubbard of the fourth judicial district appointed Miles Mahon, R. W. Wheelock, and John W. Tucker as commissioners to locate the county seat. On July 16, 1859, the commissioners reported in favor of Spencer, which a group of speculators had laid out with a view to securing the county seat. The commissioners in their report stated that they had made this selection subject to acceptance by the people. The people, however, refused to accept it. Indeed they ignored the report entirely and business continued to be transacted as before at the homes of the county officials. Such procedure is not surprising for at this time a large percentage of the population of the county resided in the southern section and the location at Spencer was very inconvenient for them.

In May, 1860, a petition was circulated asking that the county seat be located at Peterson in the southeastern part

of the county. An election was held and, although only ten votes were cast, Peterson was selected and remained the county seat for a period of more than ten years.

In 1871, the question of the location of the county seat again came before the people. By this time the county had received a large number of immigrants and the northern part of the county had been developing more rapidly than the southern part. The settlers in the northern part favored a more nearly central location for the county seat and in October, 1871, the question was submitted to a vote. Spencer had by this time grown to be a town of considerable size and, in fact, had surpassed Peterson in population. It is not strange, therefore, that when the votes were counted it was found that Spencer had a majority of 159 votes. Thus the county seat was removed from Peterson to Spencer. The removal, in the light of future events, has proven decidedly satisfactory and no agitation for a further change has developed since.⁴⁴

Clayton County.—Clayton County was one of those established when the original county of Dubuque was divided on December 21, 1837. By the terms of this law the county seat was located at the town of Prairie La Porte but in this case, as in other counties the original location did not prove satisfactory and attempts were soon made to secure a new location.

The earliest attempt was made when the first grand jury that convened in the county urged the judge of the district court to consider the matter of relocation. This attempt failed, however, and nothing was accomplished.

On January 14, 1840, the legislature passed an act providing for a relocation of the county seat of Clayton County and appointed commissioners to select a site. The law

⁴⁴ *History of Clay County, Iowa*, pp. 47-50.

provided that the place selected should become the county seat in September following, provided the people should vote to accept it at the August election. The commissioners met in accordance with the law, selected a location at the present site of Garnavillo, and gave it the name of "Allotat". At the August election of 1840, however, a majority vote was cast in favor of retaining the old location at Prairie La Porte. This decision was due to the fear that speculators might enter the new town site before the citizens could, if a change were made at this time. In January, 1841, the land of the township, which had been selected, was brought into the market and within the next two years most of the claims were entered. The reason for retaining the old location thus passed away, and on February 15, 1843, another law was passed to secure a relocation of the county seat and a new commission was appointed to select a new site. Two members of this commission met in accordance with the law, selected a site adjoining that chosen in 1840, and gave it the name of Jacksonville. On October 2, 1843, the board of county commissioners held a meeting at Jacksonville, thus giving sanction to the work of the locating commission. In 1846, the name Jacksonville was changed to Garnavillo.⁴⁵

The county seat remained at Garnavillo until 1856. In accordance with a law passed on January 15, 1849, a vote was taken on the question of removal. The election was held in April and resulted in 254 votes for Garnavillo, 177 for Guttenberg, and 118 for Elkader. As none of the towns had a majority of all the votes it was necessary to hold a second election between Garnavillo and Guttenberg. This resulted in a majority of twenty-three votes for the former town, whereupon the commissioners declared that "in pur-

⁴⁵ *Laws of the Territory of Wisconsin*, 1836-1837, pp. 132, 133; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), pp. 353, 354; *History of Clayton County, Iowa* (1882), pp. 399, 400.

suance of said act Garnavillo be and remain the permanent seat of justice of said Clayton County.'"⁴⁶

This did not settle the contest, however, for in December, 1854, three petitions were sent to the legislature asking that some action be taken for relocating the county seat. One petition, with 272 signers, asked that the county seat be "speedily and permanently fixed", leaving the manner in which this result was to be attained to the discretion of the legislature. A second petition, with 448 signers, asked that a commission be appointed to make a selection, but that the people, nevertheless, be allowed to vote upon the question before a final decision should be reached. The third petition, bearing 407 names, asked that the whole question be submitted to the people. Because of the conflicting ideas expressed in these petitions the legislative committee failed to recommend any legislation at all, and the matter stood as before.

On January 31, 1855, a general law was passed which provided that whenever the citizens of any county desired to relocate the county seat they might secure an election for that purpose by a petition presented to the county judge. In accordance with this law a petition signed by 950 voters of Clayton County was presented to the judge of that county, asking for a vote on the question of removing the county seat from Garnavillo to Elkader. The petition was granted and a vote was ordered to be taken at the April election in 1856. The result was that Elkader received 1135 votes while Garnavillo received only 964. Accordingly the county seat was removed to Elkader.

The coveted prize was not retained at Elkader, however, for the citizens of Guttenberg soon petitioned for another election and by the help of the citizens of Garnavillo succeeded in having the county seat removed to Guttenberg —

⁴⁶ *History of Clayton County, Iowa* (1882), pp. 400-402.

the vote this time being 2038 for Guttenberg and 1706 for Elkader.

The citizens of Garnavillo, however, almost immediately set about securing a vote upon the question of a removal from Guttenberg to Garnavillo. The petition for this purpose was signed by many of the citizens of Elkader. At the April election in 1859 the question was submitted to a vote, and Garnavillo was victorious. Again the county officers were returned to their old home at Garnavillo, but they were not allowed to remain there long.

Elkader now proposed a test of the question against Garnavillo and a petition for this purpose was readily signed by citizens of Guttenberg. Accordingly the question was again submitted to a vote in April, 1860, and this time Elkader won by a majority of 639 votes.

The *McGregor Times* in commenting on this election said, "Elkader is undoubtedly the county seat of Clayton County for the ensuing year. At McGregor, Garnavillo received a majority of forty votes, but enough has been heard to admit of no doubt of Elkader's success. Here the voters care very little about the annual scramble. It is a disgrace to the county. We propose to Judge Garber to purchase a daguerrean car, attach a pair of mules to it, locate the recorder and treasurer in the basement, finish a pilot house on deck for himself, and move the business around the county, locating in the timber during the winter and on the prairie in summer. We suppose a petition will be circulated in ten days for 're-location' to some other ambitious point."⁴⁷

Four years passed, however, before another election was held for possession of the county seat. By this time McGregor had entered the contest. The election was held in November, 1864, and resulted in 2403 votes for Elkader and

⁴⁷ *History of Clayton County, Iowa* (1882), pp. 403-405.

1609 for McGregor, the former retaining the county seat by a majority of 794 votes.

Four years later, in 1868, Garnavillo again made an attempt to secure the seat of justice. An election was ordered between Garnavillo and Elkader. This resulted in favor of Elkader by a majority of 713 votes. This appears to have been the last vote taken on the question of locating the county seat. Several efforts have since been made to have the question again submitted to a vote, but without avail and Elkader remains the county seat.⁴⁸

Clinton County.—Clinton is another of the counties which was established by legislative enactment of December 21, 1837. This law provided that an election should be called to choose between the towns of Lyons and Camanche as a location for the county seat.⁴⁹ This election was held in February, 1838, and resulted in the choice of Camanche. For the next two years the official business of the county was transacted at this place, but in the meanwhile a spirit of rivalry had developed, and when the legislature met in the fall of 1840 a petition was presented asking for the removal of the county seat. In response to this request the legislature on January 14, 1841, passed an act appointing commissioners to select a new location, as near the geographical center of the county as possible, taking into consideration the convenience to wood and water and the present and future population of the county. The commissioners were also authorized to select a name for the new location. On March 18, 1841, the commissioners reported, having selected the present site of the city of De Witt.⁵⁰

⁴⁸ *History of Clayton County, Iowa* (1882), pp. 399–406.

⁴⁹ *Laws of the Territory of Wisconsin, 1836–1838*, pp. 133, 138.

⁵⁰ *Laws of the Territory of Iowa, 1840–1841*, p. 56; *History of Clinton County, Iowa* (1879), p. 353.

The name Vandenburg, which was chosen by the commissioners at this time, was changed to De Witt in 1842.⁵¹

The change of the county seat from Camanche to De Witt gave it a more nearly central location. Indeed for a number of years it appeared that this location might be permanently retained. As the population increased in the eastern part of the county, however, there developed an agitation for a change of the county seat to that region. This movement seems to have originated among a number of attorneys from Clinton and Lyons who objected to traveling back and forth between these towns and De Witt to attend court. This agitation for removal brought about a sharp rivalry between the towns of Clinton and Lyons — both being eager to obtain the county buildings. As a compromise measure, Lyons suggested the location of the county seat at Ringwood — a place between the two towns. Clinton would not agree to this but insisted upon the selection of De Witt Park in Clinton. This was objected to as being a low and swampy location. In order to reach an agreement the City Council of Clinton appointed a committee of three members to confer with a similar committee from Lyons, in the hope that an adjustment might be made. Several meetings were held during the months of March and April, 1869, and finally the following resolutions were offered:

First — That the two cities unite with those towns favorable to the project, in removing the county seat to Block 10, North Clinton; that we guarantee that said block, containing between four and five acres of ground, shall be donated to the county for the purpose of erecting the necessary public buildings thereon; and, that the city of Clinton will grade, fill and properly improve Second street, to the north line of the city of Clinton; that upon the removal of the county seat, we agree to furnish, in the city of Clinton, free of charge, convenient apartments for holding court, and for the use of the county officers until such time as the county buildings shall

⁵¹ *Laws of the Territory of Iowa, 1841-1842*, p. 93.

be erected and ready for occupancy; *Provided*, the time this portion of said proposition is to run shall not exceed three years; and that we guarantee a contribution of \$10,000 toward the erection of said county buildings; *Provided*, the citizens of Lyons will guarantee a contribution, for the same purpose, of \$5,000, or in like proportion should any other sum be agreed upon.

Second — Believing the location of the county seat at the point herein named will materially advance the progress of those projected railroads which are to have their terminus at the center hereinbefore contemplated, and that the construction of roads which now lag for want of means to push them forward, will have a new impetus given them by the removal of said county seat; we, as citizens, encouraged by such removal, will do all in our power, by contributions of material aid and otherwise, to hasten the completion of such roads.

Third — Believing that the construction of a horse-railroad between Clinton and Lyons will tend to the advantage and prosperity of both cities, and serve essentially in wiping out the conflicting local interests which might appear to exist, we agree to co-operate jointly with the citizens of Lyons in the construction of such a road as the necessities of the two cities may seem to demand.

Fourth — That a committee of five be appointed by the President of this meeting, to co-operate with a similar committee appointed by the people of Lyons, to carry out, as far as the same can be done, the propositions herein contained.

This body of resolutions was adopted by the Clinton faction. It was at first objected to by the Lyons committee but after some concessions were made, changing the proposed location from block 10 to block 8, it was adopted by the Lyons group also. A petition was then presented to the board of supervisors, whose duty it was at this time to call the election for the removal of a county seat, asking that such an election be called in Clinton County. This petition was granted, the date set being the second Tuesday in October, 1869.

Following this order the contest began in earnest. The proposed location was characterized by the opposition as

more appropriate for a fishing ground than for a courthouse. The contest continued until the day of election, and it is reported that an election comparable to this has never before nor since occurred in Clinton County. The result was a majority of five hundred and eleven votes in favor of the new site at Clinton, and at the October meeting of the board of supervisors a removal was authorized. A stock company was soon organized to construct the buildings agreed upon. By the 21st of November, temporary buildings were ready for the holding of the fall term of court. A fireproof building was later provided which served until 1897 when a more pretentious building was erected.⁵²

Crawford County.—Crawford County's history dates from the year 1851 when its boundaries were established. In 1853, it was attached to Shelby County, and its organization as a separate county was completed in 1855. The first settlers in the county took claims in the year 1849 on the East Boyer River in a grove about six miles east of where the town of Denison now stands. In 1856, J. W. Denison who came to the county in 1855 and entered a large tract of land for the Providence Western Land Company, laid out the town of Denison, which during the same year was designated as the county seat of Crawford County.

Denison is situated near the geographical center of the county and the Northwestern Railroad which was built through the county in 1867 passes through it, thus adding to its security as a county seat town. Indeed, Denison is preëminently the leading town in the county and any attempt to remove the county seat would doubtless meet with general disapproval.⁵³

⁵² *History of Clinton County, Iowa* (1879), pp. 406–410.

⁵³ *History of Crawford County, Iowa* (1911), Vol. I, p. 77; Gue's *History of Iowa*, Vol. III, p. 336.

Dallas County.—Dallas belongs to the group of twelve counties which were established on January 13, 1846. The following year provision was made for perfecting county organization and William Wear, William Canfield, and L. W. Babbitt were appointed commissioners to locate the seat of justice.⁵⁴ These men met at the house of W. W. Miller a short distance from the present site of Adel and proceeded to make such investigation as was necessary for the performance of their duty. They finally selected the east half of the southwest quarter and the west half of the southeast quarter of section 29, township 79 north, range 27 west of the fifth principal meridian. Upon the suggestion of Albert D. Jones the site was given the name of Penoach, but two years later by an order of the district court this name was changed to Adel.

The board of supervisors experienced some difficulty in securing sufficient funds with which to purchase the town site. They pledged town lots and offered county warrants, but ready cash was demanded. In this emergency, W. W. Miller procured the necessary funds by mortgaging his own property, and J. R. Mills was sent with the money to Iowa City to make the entry. He obtained a deed for the land in his own name and later made a transfer of it to the town.

For a number of years after the establishment of the county seat at Adel there was no agitation for removal. The primitive log courthouse served its day, the second one, a frame building, went down in ashes, and the third one, a brick structure, was well along in years before the question arose as to the proper location of the seat of justice. At this time no railroad had yet crossed the county and Adel, being centrally located, was the town most easily accessible to all parts of the county. In 1869, however, the

⁵⁴ *Laws of the Territory of Iowa, 1845-1846*, p. 75; *Laws of Iowa, 1846-1847*, pp. 63-66.

Rock Island Railroad passed through the southern part of the county and the following year the Fort Dodge line passed through the county from the southeast to the northern boundary — both roads missing Adel by about seven miles. As a result the town of Dallas Center was laid out upon the Fort Dodge Railroad and soon became a rival for county seat honors.

Several attempts continuing over a number of years were made to secure a vote upon the question of removing the county seat from Adel to Dallas Center. In each case, however, the number of signers on the remonstrance exceeded those on the petition and the question was kept from the electorate. Dallas Center not being able to obtain a vote, the town of Perry entered the contest for county seat honors, but was equally unsuccessful. A little later the town of Waukee became a candidate for the county seat. The question of removal was submitted to the voters but resulted in a victory for Adel. To lessen this agitation over the county seat Senator A. C. Hotchkiss of Dallas County presented a bill to the legislature, which provided that the question of moving a county seat could not be submitted to a vote more often than once in five years. The citizens of Adel were forced, on various occasions, to resort to shrewd methods to prevent the question of relocation from coming to a vote. On one occasion a petition had been prepared and signed, ready to be presented to the board of supervisors and it appeared that a vote might result. To prevent this the members of the board of supervisors, after having attended to all other regular business, were induced to adjourn to attend the State Fair for a day. When they reconvened, they were reminded that the new session was a special one, and that it would not be proper to entertain a petition relative to relocation. It developed, however, that this petition did not have a sufficient number of signers, but

the case indicates the length to which some of the citizens were willing to go to defeat any plan of removal.

Finally it became apparent that the county seat would eventually be located on a railroad. To meet this requirement, the people of Adel and others interested organized an association and built a railroad from Waukee west through Adel. This road was later extended to Panora and became a part of the Milwaukee system.

Although the aspirants for county seat honors could not secure a change of site, they were for many years instrumental in defeating any plan providing adequate county buildings at Adel and the "Old Courthouse" was used for many years after it became inadequate. In the year 1902, however, a very beautiful courthouse was completed, much to the credit of the county, and to the satisfaction of those who had so long contended for the county seat, with suitable buildings, at Adel.⁵⁵

Davis County.—On February 17, 1843, an act was passed "to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes." The nine counties established at this time were Davis, Appanoose, Wappello, Kishkekosk, Mahaska, Iowa, Poweshiek, Tama, and Black Hawk.⁵⁶ The following year — 1844 — a law was passed, the purpose of which was to organize Davis County and provide for the location of a county seat.

Section nine of this law appointed commissioners to locate the county seat and authorized them to meet at the house of Noble C. Barron on the first Monday in April,

⁵⁵ *Past and Present of Dallas County, Iowa*, pp. 101, 102, 112-115.

⁵⁶ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 131.

For some reason this law was omitted from the *Laws of the Territory of Iowa, 1842-1843*, where most of the acts of this session are found.

1843, for the purpose of discharging this duty.⁵⁷ These commissioners met as authorized, and on the 25th of April reported to the board of county commissioners that they had selected a site near the geographical center of the county. The report was accepted and the matter of selecting a name was taken up by the county commissioners. In this there was a disagreement. One man preferred the name Jefferson, the second suggested Davis, while the third presented the name of Bloomfield. The commissioners were not able to reach an agreement upon this matter so the three names were written on slips of paper and placed in a hat, and the clerk of the board was directed to draw out one of the names, which it was agreed should become the name of the county seat. The result of the drawing decided the question in favor of the name Bloomfield.

The central location, railroad facilities, fertility of the surrounding country, and the steady development of Bloomfield have combined to make it a very desirable county seat location. Any attempt to remove the seat of justice would probably meet with very general disapproval throughout the county.⁵⁸

Decatur County.—Decatur County was one of the twelve counties which were established by legislative enactment of January 13, 1846. The county was organized in 1850 and in January of the following year an act was passed appointing Wareham G. Clark of Monroe County, Henry Allen of Lucas County, and F. N. Sales of Appanoose County as commissioners to locate the county seat. The law provided that the commissioners or any two of them should meet for the performance of their duty on the first day of February

⁵⁷ *Laws of the Territory of Iowa, 1843-1844*, pp. 137-139.

⁵⁸ *History of Davis County, Iowa* (1882), pp. 400, 401; *Annals of Iowa* (First Series), Vol. II, pp. 296-301.

or within sixty days thereafter.⁵⁹ As a matter of fact the commissioners did not meet within the prescribed time, due to the fact that means of travel were blocked by high water. In July, however, two of the commissioners, Allen and Sales, met and selected a site to which they gave the name of Decatur. A sale of lots was ordered to take place in the town of Decatur on August 25, 1851, notice being given in the Des Moines and Fairfield papers.

It was claimed by some of the citizens of the county that the location was selected illegally, since the commissioners had failed to meet within the prescribed time. Influenced by this opinion, the General Assembly ordered an election to take place on the first Monday in April, 1853, to decide upon a new location. This vote resulted in a removal of the county seat to a place called Independence—later given the name of Leon.

This removal was of course opposed by the people of Decatur. In fact strangers were discouraged from settling at the new county seat. Thus not only was there a direct loss to the town of Leon but the entire county suffered as a result. Many good settlers were kept from locating in the county, because of the enmity existing between these two factions. One writer says: "In trying to keep Leon from building up they not only injured Decatur City just as bad, but the whole county suffered in the price of every acre of land from \$5 to \$15." With the coming of the railroad to Decatur County the value of land increased, and the town of Leon advanced a stronger claim for the county seat. As late as 1906, however, there was an attempt to secure a vote for a change of the county seat to Decatur City, but the petition was denied by the supervisors.⁶⁰

⁵⁹ *Laws of the Territory of Iowa*, 1845-1846, p. 75; *Laws of Iowa*, 1850-1851, p. 46.

⁶⁰ *Biographical and Historical Record of Ringgold and Decatur Counties*,

Delaware County.—Delaware County was established in 1837 upon the division of Dubuque County, and for temporary purposes was attached to Dubuque County, so no county seat was designated at this time. On December 20, 1839, an act was passed which provided for the organization of the county and appointed commissioners to locate the county seat. For some reason, however, this commission failed to act, and an amendatory act was passed on July 24, 1840, by which William Smith, William Jones, and Thomas Denson were appointed locating commissioners. At the appointed time two of these commissioners, Smith and Denson, met to choose a suitable location. Smith very early decided upon a location at Ead's Grove, but Denson would not agree. Other locations were considered but none was found upon which the two men could agree. After having spent about two weeks in the attempt to select a site they decided to go home and leave the matter unsettled. Realizing, however, that their pay was contingent upon their reaching some agreement, they decided to "flip a dollar". Smith won and the county seat was located at Ead's Grove and was given the name of Elizabeth.⁶¹

The action of the commissioners, however, created intense dissatisfaction among the settlers. A mass meeting called by the settlers in the southeastern part of the county assembled at Penn's Grove, adopted a resolution of protest, and determined to ask the legislature for permission to relocate the county seat. As a result of this agitation a law was passed on January 13, 1841, which provided for a relocation of the county seat at such a place as the people might select. In an attempt to secure a representative

Iowa (1887), pp. 713, 714; Howell and Smith's *History of Decatur County*, Vol. I, pp. 17-21.

⁶¹ *Laws of the Territory of Wisconsin, 1836-1837*, p. 134; *Laws of the Territory of Iowa, 1839-1840*, pp. 9, 10, 1840 (Extra Session), p. 8; *History of Delaware County, Iowa* (1878), pp. 342-344.

location another mass meeting was called at Penn's Grove and seven men were chosen to select a proper location to be confirmed by a vote of the people. A few days later four of the men met and assumed the duty assigned them. They went first to the geographical center of the county but found a lack of wood and water in that vicinity. After several other locations had been visited, the party approached the present city of Delhi, when suddenly a large deer sprang up before them. One of the party said to another, "Kill that deer and we will stick the county seat stake right here." The challenge was accepted, the deer was killed, and Delhi became the county seat.

As the county grew in population, however, it became apparent that eventually the county seat would again be moved. Delhi's railroad facilities were not of the best, and the population had not increased as rapidly as had that of other towns. In view of this situation the people of Manchester, in the spring of 1880, began an agitation to change the county seat from Delhi to Manchester. A petition was presented to the board of supervisors at the June term asking that the board authorize an election to vote upon the question. A remonstrance by the people of Delhi was also presented, but the petition contained a majority of the names of the voters of the county and 133 more names than appeared on the remonstrance, and the board ordered that the question be submitted to a vote at the next general election. This election occurred on November 2, 1880, and resulted in a majority of 487 votes for the removal to Manchester. Whereupon the board of supervisors so ordered.

As soon as this order was issued the remonstrators asked for an injunction to enjoin the officers from removing any books and papers from Delhi. The case came before the circuit court at the November term and the action of the board was sustained. A notice of an appeal to the Supreme

Court was issued but the petitioners, believing that the Supreme Court would sustain the order of the lower court, and the injunction having been dissolved, proceeded to remove the records to Manchester. The case later came before the Supreme Court and the order of the lower court was sustained. Thus Manchester became the county seat in the fall of 1880 and has retained its position from that time until the present.⁶²

Des Moines County.—The law of September 6, 1834, which provided for the establishment of Dubuque and Des Moines counties and located the county seat of Dubuque County, provided in another section for the location of the boundaries of Des Moines County, and declared that “the seat of justice of said county shall be at such place therein as shall be designated by the judges of the county court of said county.”⁶³ It appears, however, that the county judges did not exercise the power given them in this regard and that a county seat was not designated until 1838.

On December 7, 1836, a law was passed which divided Des Moines County into several new counties. On January 18, 1838, the boundaries of Des Moines County were again changed and provision was made that the seat of justice be established at the town of Burlington.⁶⁴

As the population of the county increased and spread westward there developed an agitation for moving the county seat to a more central location. A number of speculators, indeed, secured claims in the central part of the

⁶² *Laws of the Territory of Iowa, 1841-1842*, p. 48; *History of Delaware County, Iowa* (1878), pp. 345, 346; Merry's *History of Delaware County, Iowa*, Vol. I, pp. 84-86.

⁶³ *Laws of the Territory of Michigan*, Vol. III, p. 1326.

⁶⁴ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 76, 382.

The spelling of the name Des Moines was modernized in the law of December 7, 1836.

county and attempted to start a town called "Center", hoping that the county seat might be located there. In order that this question might be submitted to a vote, the territorial legislature on January 9, 1840, passed a law entitled "An Act to enable the citizens of Des Moines county to establish the seat of justice for said county". This law also provided that an election should be held in the several precincts of the county on the first Monday of March to determine whether the county seat should remain at Burlington or be removed to "Center". The election took place on March 2, 1840, and resulted in 578 votes being cast for Burlington and 274 for Center — a majority of 304 for Burlington. The returns show that forty of the votes cast in Burlington Township were in favor of a removal to Center. This indicates to what extent speculators were instrumental in advocating the change. Burlington, however, had become too well established to allow the county business to be taken elsewhere and accordingly it has remained the seat of justice.⁶⁵

Dickinson County.—The boundaries of Dickinson County were established in 1851, although it was not organized until 1858. In 1857 a group of men consisting of O. C. Howe, B. F. Parmenter, R. U. Wheelock, and George E. Spencer formed an association with a view to taking claims near the geographical center of the county and laying out a town which they hoped would later become the county seat. A little later J. S. Prescott bought a one-fifth interest in this project. A central claim was laid out and the town of Spirit Lake was platted. The first building on the new town site was built of logs and surrounded by a stockade of

⁶⁵ *Laws of the Territory of Iowa, 1839-1840*, pp. 57, 58; *History of Des Moines County, Iowa* (1879), p. 488; Antrobus's *History of Des Moines County, Iowa*, Vol. I, p. 110.

logs to serve as a community center and a refuge in case of attacks by Indians. In 1858 Spirit Lake was made the county seat by commissioners who had been appointed to select a suitable location. The selection made at this early date has proved to be a fortunate one. The site is relatively near the center of the county and no well organized attempt has been made to secure a relocation of the county seat.⁶⁶

Dubuque County.—Dubuque was the first town in Iowa to be designated as a county seat. In 1834 the land comprising the present State of Iowa was a part of the Territory of Michigan and on September 6th of that year the Legislative Council of the Territory of Michigan then in session at the town of Detroit — passed an act which provided for the establishment of Dubuque and Des Moines counties. The first section of this law stipulated the boundaries for Dubuque County and declared that “the seat of justice shall be established at the village of Dubuque until the same shall be changed by the judges of the county court of said county.”

The town of Dubuque had been established in 1833 and had grown rapidly, owing to the development of lead mines in that vicinity. Indeed, it has continued to be the leading city of the county and, although provision was originally made for a change of location of the county seat in case another site should be designated by the county judges, no change has ever been made. Accordingly Dubuque has remained the county seat of Dubuque County in spite of the fact that the city is not centrally located in the county.⁶⁷

⁶⁶ Smith's *History of Dickinson County, Iowa* (1902), p. 159; *Spirit Lake Beacon*, January 8, 1920.

⁶⁷ *Laws of the Territory of Michigan*, Vol. III, p. 1326; *History of Dubuque County, Iowa* (Illustrated), pp. 46–48.

Emmet County.—Emmet County was established in 1851 and was attached to Webster County in 1855. The county was organized in 1859 and L. H. Smith and O. C. Howe were appointed by Judge A. W. Hubbard of Sioux City as commissioners to locate the county seat. The town of Estherville which had been laid out in 1858 was the chief settlement in the county and it was selected by the commissioners as the proper location for the county seat.⁶⁸ The first term of the district court held in Emmet County convened at Estherville on May 30, 1862, with Judge Asahel W. Hubbard of Sioux City presiding.⁶⁹ On account of the steady growth and development of the town of Estherville it has retained the county seat in spite of the fact that the site is some distance from the center of the county.

Fayette County.—Fayette County is one of the fourteen counties which came into being when Dubuque County was divided in 1837. The county was organized in 1850 when a full staff of county officers was elected. No county seat was provided, however, at this time. It is not strange, therefore, that when the legislature convened in December, of 1850, a petition was presented asking that commissioners be appointed to choose a suitable site. Eliphalet Price, a member of the House of Representatives from the district in which Fayette County was located, acknowledged the receipt of the petition but stated that he favored the plan of submitting several eligible locations to a vote of the people rather than submitting the matter to commissioners. Under the influence of Mr. Price a bill was passed which provided that Centerville, Lightville — later called Lima —

⁶⁸ *Laws of Iowa, 1850-1851*, pp. 37, 38, 1854-1855, p. 211; Gue's *History of Iowa*, Vol. III, pp. 343, 344.

⁶⁹ *History of Emmet County and Dickinson County, Iowa* (1917), Vol. I, p. 186.

West Union, Auburn, and Clermont should be voted upon and the town receiving a majority vote was to be declared the county seat. If no site received such a majority, provision was made for a second election. The location selected, however, was not to become the county seat unless the owners of the site chosen should, within ten days after the selection had been made, convey to the board of county commissioners at least two acres of land to be used as a courthouse site.

At the first election, held in April, 1851, the town of West Union lacked one vote of receiving a majority. Lightville received the next highest number. A second election was held in May, at which West Union secured a majority of 35 votes, and was declared to be the county seat of Fayette County. In conformity with the condition imposed by the law, William Wells deeded to the county commissioners seven acres of land adjoining the town site, upon the condition that the proceeds be appropriated to the erection of county buildings.

Notwithstanding this vote and donation there was a strong feeling in the southern part of the county that there should be a removal of the county seat to a more nearly central location in the county and in the fall of 1852, a petition was circulated asking for a vote upon the question. A remonstrance was drawn up but without effect. Edwin Montgomery of Westfield who was a member of the legislature was in favor of a removal and through his influence a bill was passed which appointed Silas Sawyer of Dubuque County, E. K. Beckford of Clayton County, and D. A. Mahony of Dubuque as commissioners to locate the county seat. The opposition, however, had sent a man to Iowa City to oppose the passage of such a measure, who, although he was unable to defeat the bill, succeeded in securing a stipulation in it, which provided that the people should

have a right to accept or reject the place agreed upon by the commissioners. This clause proved to be of importance to the citizens of West Union, for, although the commissioners met and agreed upon a location near the geographical center, the question when submitted to a vote of the people was defeated by a majority of ninety-five votes. West Union, therefore, retained its position as the county seat.

In December, 1859, the citizens of the town of Fayette attempted to secure the county seat. A petition signed by 1349 citizens was presented to the county judge asking for an order of the court calling an election upon the question of a removal to Fayette. The judge, being convinced that a majority of citizens had signed the petition, ordered an election to be held on April 2, 1860. The result of this election was 1221 votes for removal and 1304 votes in opposition. Thus West Union was again victorious.

In September, 1872, the courthouse at West Union was set on fire by an escaping prisoner and the building, together with many of the records, was destroyed. The question of rebuilding gave the opportunity for again raising the question of removal. The citizens of West Union petitioned the board of supervisors to rebuild on the old site. An agreement was also signed by which the citizens promised that if the board of supervisors should appropriate \$5000 for the erection of a new building at West Union and the county seat should be removed from that place within a period of five years the building fund to the extent of \$5000 should be refunded to the county. In opposition to this petition, a remonstrance was signed by about 2500 people asking that the board take no action in regard to building until the question of appropriating the money should have been submitted to a popular vote. Thus the matter rested until June, 1873, when a petition signed by 265 people asked for

a removal of the county seat to Fayette. Other petitions and remonstrances followed until the whole affair was in hopeless confusion. Finally on June 12th, a writ of injunction was served on the board restraining them from further action in the matter of the submission of the question of removal to vote. On July 21st, the board held a special meeting and entered into a contract to lease rooms to be used as county offices. This plan was subject to much criticism. The records were kept without vaults or safes, and thus were at a great risk of loss by fire. Moreover, a rental of six hundred dollars per year was being paid for the use of offices, while some six thousand dollars, which had been received from insurance on the old courthouse, was not being used by the county.⁷⁰

Finally, although there was opposition to the plan, the board of supervisors, in the spring of 1874, contracted for the building of a new courthouse to be erected at West Union. This building was completed and county officers moved into it in December of the same year.

For a period of almost fifty years the question of county seat removal received comparatively little attention in Fayette County. In the meanwhile, however, the city of Oelwein had become one of the leading centers of the county, and had developed a desire to secure the county seat. In 1922 the courthouse at West Union was again destroyed by fire and this reopened the county seat fight. The law as it existed at that time contained a provision that the board of supervisors of a county should not order the erection of a courthouse, where the probable cost would exceed ten thousand dollars, until the question had been voted upon and approved by a majority vote at a general or special election within the county. Thus with opposition from the

⁷⁰ *History of Fayette County, Iowa* (1878), pp. 310, 311, 348-353, 362, 363, 390, 410-414.

Oelwein faction the board of supervisors was unable to order the erection of a new building. To obviate this difficulty the citizens of West Union raised the sum of \$100,000 to be used for the erection of buildings and the Fortieth General Assembly was prevailed upon to amend the above mentioned law by adding a provision that if, in any county, the courthouse has been destroyed by fire, and a sum of not less than \$100,000 has been raised by public subscription and donated to the county for the erection of a courthouse, the board of supervisors may use the amount donated, and in addition thereto may appropriate from the general fund of the county a sum not exceeding one-half of the amount donated, provided there is sufficient funds on hand to pay such appropriation.

Under the provisions of this law a new building was erected at West Union, the cornerstone of which was laid on June 21, 1923.⁷¹

Floyd County.—Floyd County was established in 1851 and was subsequently attached to Chickasaw County. On June 21, 1854, a petition was presented to Judge James Lyon of the latter county asking for a separate county organization. This was granted and on August 7th of that year the first county officers of Floyd County were elected. The county seat was located at Charles City—then known as St. Charles. The question of removal soon began to be agitated, however, and in March, 1855, a number of citizens petitioned the county judge to authorize a vote to be taken. The judge declined to do this and in September, 1856, he ordered that proposals be received for building a stone courthouse 50x70 feet in dimensions. This proposal met

⁷¹ *Fayette County Union*, April 15, May 13, December 16, 30, 1874; *Compiled Code of Iowa*, 1919, Sec. 3242; *Laws of Iowa*, 1923, Ch. 107; *The Oelwein Iowan*, June 11, 1923.

with violent opposition and in January, 1857, another petition was presented to the county judge, asking that the question of removal be submitted to a vote of the people, which, after much discussion, was also denied.

On January 24, 1857, a law was passed which legalized the appointment of a commission by Judge Samuel Murdock of the tenth judicial district. Five days later this law was repealed and another act was passed by which other commissioners were appointed and authorized to select a site near the geographical center of the county. In April, 1858, there was a vote upon the question of removal to the geographical center, the result being 453 votes in favor of removal, and 434 in favor of retaining the old location.

Following this vote great excitement prevailed, during which the advocates of St. Charles described the central location as a veritable frog pond and altogether unfit for a county seat location. In the meantime the county judge ordered that the county records be removed to the town of Floyd and this was in part carried out. The St. Charles people claimed that this was a part of the agreement with the people of Floyd — that they should be given the county seat temporarily in return for their vote for removal, there being no buildings at the geographical center.

The question of removal went into the courts where it was maintained that the notice of election contained an error; that the petition for election was not properly sworn to; that the petition was not presented at the regular session of the county court, but three days later; that the affidavit attached to the petition did not show that all signatures were genuine, and made only by voters of Floyd County; and, finally, that names to the petition were obtained by fraud.

On July 4, 1858, the advocates of the geographical center

as the location of the county seat met there and celebrated. The orator of the day, W. P. Gaylord, dwelt at some length upon the future greatness of the site, but before this prophecy came true the Iowa Supreme Court rendered a decision which returned the county seat to St. Charles, and the prospective county seat town became a farm instead. However, a plat of ground at this location was soon surveyed and a town was established and given the name of Ripley in honor of the county judge. The county seat was retained by St. Charles — the name of the town being changed to Charles City.⁷²

Franklin County.—Franklin was one of the fifty counties whose boundaries were established in 1851. The county was organized in August, 1855, at which time county officers were elected. James B. Reeve was elected to the office of county judge, and for a time his home was made the principal place for transacting business. It was not long, however, until there was a desire to secure a permanent location for the county seat and a petition was presented to the district judge asking for the appointment of commissioners to select a desirable site. The settlers had decided whom they wanted appointed as commissioners, but the judge took the matter into his own hands and made the appointments without regard to the wishes of the settlers. Adam T. Ault, M. M. Trumbull, and J. D. Thompson were the commissioners appointed.

Mr. Trumbull favored a location near the center of the county, at the present site of Hampton. The other two members of the commission — evidently influenced by interested parties — voted against Mr. Trumbull and located

⁷² *Laws of Iowa*, 1850-1851, p. 35, 1852-1853, p. 28, 1856-1857, pp. 129, 403; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), pp. 421, 422; *History of Floyd County, Iowa* (1882), pp. 330-334.

the county seat on the farm of Thomas B. Abel, giving it the name of Jefferson. This location did not prove satisfactory and in April, 1856, a vote was taken upon the question of removing the county seat to the new town of Benjamin. This was carried — only two votes being cast in favor of Jefferson. This change was accordingly made, and the name Benjamin was subsequently changed to Hampton.

This, however, was not the end of the county seat struggle, for at the February term of court in 1857 a petition was presented asking that at the April election the question of removal be again submitted to the voters of the county. A remonstrance was also presented, and since the judge ruled in favor of the latter, the question did not come to a vote.

Another attempt was made to change the location, when a petition was presented to Judge James B. Reeve in January, 1858, but this petition, like the former one, was met by a remonstrance and was denied.

In March, 1860, an attempt was made to secure a vote upon the question of a removal from Hampton to Maysville. This attempt failed. The same question was presented in June of the same year, and after several days had been spent in arguing the question, an order for submitting the question at the April election in 1862 was obtained.

The people, however, still seemed to favor Hampton as the county seat: an injunction was secured restraining the vote upon the question, and the county seat remained undisturbed.⁷³

Fremont County.— On February 24, 1847, a law was passed which established the counties of Ringgold, Taylor, Page, and Fremont.⁷⁴ Two years later, in 1849, Fremont County

⁷³ *History of Franklin and Cerro Gordo Counties, Iowa* (1883), pp. 148–153, 385, 386.

⁷⁴ *Laws of Iowa, 1846–1847*, pp. 114, 115.

was organized, and Austin — a town about seven miles and a half south of Sidney — became the county seat. The town of Austin consisted of a very few houses, the principal one of which was the store and residence of A. H. Argyle. The first court held in Fremont County convened at the store of Mr. Argyle. As the population increased, however, a more nearly central location for the county seat became desirable, and in 1851 the town of Sidney was laid out on land belonging to Judge Thomas Greenwood, who had the town platted with a view to securing the county seat. The plan was successful and in May, 1851, the seat of justice was removed to Sidney and the town of Austin ceased to exist.

The location at Sidney has proved to be desirable and no attempt appears to have been made to remove the county seat. Indeed, its central location and its large population, as compared with other towns of the county, give Sidney an undisputed right to the position.⁷⁵

Greene County.—The boundaries of Greene County were established in 1851. In January, 1853, the county was temporarily attached to Dallas County, and during 1854 it was given a separate organization. Judge C. J. McFarland appointed commissioners to locate the county seat. The commissioners appeared before Judge William Phillips on September 27, 1854, and reported that they had selected a desirable location.

Financial conditions in the county at this time were such that it was necessary to borrow \$200 with which to purchase the proposed site. The necessary money was secured from Hoyt Sherman, a banker of Fort Des Moines, and the purchase was made. The site selected was given the name

⁷⁵ *History of Fremont County, Iowa* (1881), pp. 373, 376; *Annals of Iowa* (Second Series), Vol. II, pp. 39-44; Gue's *History of Iowa*, Vol. III, p. 349.

of Jefferson, in honor of Thomas Jefferson. It was found, however, that there was a town of the same name in Dubuque County and the Post Office Department refused to recognize another office of the same name in the State. The Post Office authorities suggested that the name be changed to New Jefferson and this name was adopted, but the prefix "New" was later dropped and the name as originally intended was adopted.

The central location and natural advantages of the town of Jefferson have prevented agitation for removal of the county seat, such as has occurred in many of the counties of the State.⁷⁶

Grundy County.—Grundy County was established in 1851 and attached to Black Hawk County in 1853. It was organized under the general law for the organization of counties — the first election of county officers being held in May, 1856. There appears to have been no contest relative to the location of a county seat. Grundy Center was selected as the county seat the year the county was organized, and there is no record of any agitation for removal. For some time after the organization of the county, Grundy Center had no railway facilities and much of the grain from various parts of the county was shipped from Cedar Falls and Waterloo in Black Hawk County, Marshalltown in Marshall County, and Ackley in Hardin County. In spite of this handicap, however, Grundy Center retained the county seat, due to the fact that the town was centrally located, and was the leading town within the borders of Grundy County.⁷⁷

⁷⁶ *Biographical and Historical Record of Greene and Carroll Counties, Iowa* (1887), pp. 466, 467, 503.

⁷⁷ *Laws of Iowa, 1852-1853*, p. 86; Gue's *History of Iowa*, Vol. III, p. 351; Tuttle's *An Illustrated History of the State of Iowa*, p. 520.

Guthrie County.—Guthrie County was established by legislative enactment of January 15, 1851. On the 21st of the same month a law was passed by which Isaac H. Walters of Marion County, David Bishop of Madison County, and Lewis Whitten of Polk County were appointed commissioners to locate the county seat.⁷⁸ The last two named commissioners met on September 25, 1851, and after considering a number of available locations selected the site of the present town of Panora, and designated it as the county seat.

In June, 1853, the county court issued an order for the building of a courthouse, and specified that the funds arising from the sale of lots in the town of Panora should be appropriated to that purpose. For some reason this plan was not carried into effect and the building was not erected. Thus matters continued until March, 1857, when plans and specifications for a courthouse were made and a contract entered into with James Cline to erect the building. On the 29th of September of the same year, this contract was annulled, and Mr. Cline was awarded the sum of two hundred dollars damages from the county for the violation of the contract.

In March, 1859, a petition was presented to the county judge asking that the question of removing the county seat to Guthrie Center be submitted to the people. This petition stressed the particular fitness of that place for the county seat on the ground that it was the geographical center of the county. In response to this request the court ordered an election to be held on the first Monday in April, 1859. This order of the court was the beginning of a rivalry of considerable importance between Panora and Guthrie Center. When election day arrived the excitement was intense, and campaigning was carried on in an ardent manner. The

⁷⁸ *Laws of Iowa, 1850-1851*, pp. 31, 49.

result of the election was 297 votes for Panora and 277 for Guthrie Center, giving a majority of 20 votes against the removal of the county seat.

The rebuff received by the Guthrie Center faction was not accepted as a permanent defeat. On March 5, 1860, another petition, signed by some three hundred and twenty-eight legal voters of the county, was presented to the court asking that the question of removing the county seat to Guthrie Center be again submitted to the people of the county. At the same time a remonstrance signed by three hundred and forty voters was presented to the court. In view of these conflicting papers the judge took the matter under advisement. It appeared that several of the signers of the remonstrance had first signed the petition, and later, by means of erroneous representations, had been induced to sign the remonstrance. These names were stricken from the remonstrance and the election was called for April 2, 1860.

Another exciting campaign ensued — each of the contesting towns exerting its utmost influence to secure votes. A canvass of the ballots cast disclosed the fact that Guthrie Center had secured 327 votes while Panora had secured but 308 — a majority of 19 votes in favor of Guthrie Center. Therefore, on the 7th of April, the county court decreed that Guthrie Center was the legal county seat, and directed that the county effects be transferred to that place. Both parties had anticipated a victory and were prepared to celebrate: materials for bonfires had been secured and powder had been purchased to add to the jollification. It is said that Guthrie Center celebrated in earnest, while Panora staged a celebration to make herself “believe that she did not feel bad”.

The results of the election having been announced, the people of Guthrie Center, anxious to take possession of the

newly won prize, started out in full force with a wagon drawn by ten oxen for the safe, and a carriage for the county judge. On their return trip the jubilant party was met by reënforcements and all returned to the newly designated county seat in high spirits.

But the rejoicing at Guthrie Center was premature. Panora was disappointed with the result and determined not to surrender the laurels without a struggle. At the first meeting of the newly created board of supervisors in January, 1861, a petition was presented asking that the question of removal be resubmitted to a vote. This petition was not given the necessary publicity and hence was denied.

At the September session, however, a similar petition was presented, and the board ordered an election to be held on the first Monday in April, 1861. At this time the friends of Panora were able to secure 355 votes, while Guthrie Center obtained only 278, a majority of 77 votes for Panora which thus regained the county seat.

The next few years marked a period of comparative quiescence in the county seat struggle. In 1870, however, another petition asking for the resubmission of the question to the people was presented. A vote was taken, but the friends of Guthrie Center did not exert sufficient effort to win the contest, the vote being 805 to 776 in favor of Panora.

Again in 1873, the matter was presented to the board of supervisors and a vote was ordered to be taken in October of that year. This time the contest was won by Guthrie Center, which was declared to be the county seat — a position which it has retained to the present time.⁷⁹

Hamilton County.— To understand the history of Hamilton County and the changes which were instrumental in deter-

⁷⁹ *History of Guthrie and Adair Counties, Iowa* (1884), pp. 337-340.

mining its county seat one needs to go back of the date of the establishment of the county. Two of the fifty counties previously referred to as being established on January 15, 1851, were designated by the names of Risley and Yell respectively. By legislative enactment approved on January 12, 1853, it was provided that the name of Risley should be changed to Webster. Ten days later the same General Assembly passed another law which provided that the two counties of Risley and Yell be united to form a new county called Webster. The first election in the county occurred on April 4, 1853. It is probable that the county business was transacted at the homes of the county officials, until the fall of 1853, when the town of Homer was platted near the center of the county and designated as the county seat.

Before long, however, the towns of Fort Dodge and Webster City were striving for county seat honors. A plan was devised whereby it was agreed that Fort Dodge should become the county seat of Webster County on condition that the county should be divided and Webster City be made the county seat of the new county. Accordingly, in December, 1856, Webster County was divided—the east half of it, originally the county of Risley, was given the name of Hamilton, and Webster City was declared to be its county seat.

Thus political intrigue played an important part in making Webster City the county seat. Indeed, the same political scheme was instrumental in making Fort Dodge also a county seat town, and in dealing a death blow to the town of Homer, which soon passed into history. Since the removal of the county seat to Webster City no further change has been attempted.⁸⁰

⁸⁰ *Laws of Iowa*, 1850-1851, p. 30, 1852-1853, pp. 28, 87, 1856-1857, pp. 11-13; Lyon's *The Passing of Homer in The Palimpsest*, Vol. III, pp. 381-388; *The Des Moines Register*, November 19, 1922.

Hancock County.—Hancock County was established in 1851 and was temporarily attached to Webster County in 1855. Later it was attached to Winnebago County under which it was organized in 1858. The county business was transacted at Ellington or at Upper Grove whichever was most convenient for the county officers. On November 4, 1865, John I. Popejoy and James Goodwin, commissioners appointed for that purpose, made a selection of the southeast quarter of the southwest quarter of section 31, township 96, range 23, as a site for the county seat. The land was donated to the county by Thomas Seymour of the State of New York. In May, 1867, the land was surveyed, laid off into lots, and named Concord. In 1868 a substantial brick courthouse was erected at a cost of about \$10,000.

The first railroad in the county, the Chicago, Milwaukee, and St. Paul, was built in 1870. It crossed the county from east to west, running a mile north of the courthouse at Concord. A new station was established a mile from Concord and the new town, laid out by John Maben, was named Garner. In order to obtain the county seat the citizens of Garner built a new courthouse at a cost of \$40,000. Owing to a contest for removal the building at Garner remained empty for a time, but the dispute was finally settled in favor of Garner and the county seat was removed to that place, where it has since remained, notwithstanding the fact that the citizens of the town of Britt have endeavored to secure it and have offered to erect a building equal in value to that at Garner.⁸¹

Hardin County.—The boundaries of Hardin County were designated in January, 1851, and for a time it was attached

⁸¹ *Laws of Iowa*, 1850-1851, p. 35, 1854-1855, p. 211; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 397; Gue's *History of Iowa*, Vol. III, p. 354; *Iowa State Atlas* (1904), p. 354.

to Marshall County. A separate county organization was provided in 1853. In June of the same year, Judge William McKay appointed John Hockett of Marshall County and a Mr. McDaniels of Story County as commissioners to locate the county seat. They met during the latter part of June and selected a site which was given the name of Eldora.

The site chosen was near the center of population of the county at the time, although it was not the geographical center. The choice of the commissioners was not accepted as final, however, and an agitation was soon inaugurated to bring about a relocation.

Steamboat Rock was the first town to enter the contest for the county seat, but it had no advantages to offer above those of Eldora so far as location was concerned and when the question came to a vote in April, 1856, Eldora received 452 votes while Steamboat Rock obtained only 100 votes. This eliminated Steamboat Rock from the contest.

In February, 1857, however, a petition was presented to the judge asking for a vote upon the question of removal to the town of Berlin located a few miles northwest of Eldora. The petition was granted and an election was held, but the result indicated a preference for Eldora.

Point Pleasant was the next aspirant for the county seat. This gave rise to a very exciting and long continued contest. The election was held and on the first Monday in April, 1858, a canvass of the votes was made. The board announced the result to be 540 votes for Point Pleasant and 521 for Eldora, giving the former a majority of nineteen votes. A writ of mandamus was issued directing the canvassers to recount the votes and to reject certain alleged illegal votes cast in Pleasant Township. A recount was made on this basis and a report rendered giving Eldora 520 votes and Point Pleasant 440. The county judge accepted the results and dismissed the board of canvassers.

This situation led to extensive litigation and called for the rendering of three Supreme Court decisions before the question was finally settled. Isaac S. Moore representing the interest of Pleasant Township made affidavit concerning the facts and asked that the returns of the board of canvassers be set aside. No record seems to have been made of this affidavit, but a year later the records were corrected, and the question was taken to the Supreme Court, where it was held that if Mr. Moore had "such an interest in the result of the proceeding as would justify him in moving to set aside the order of the court, he should have asked leave to have had himself substituted as plaintiff or defendant." Not having done this he had no rights, and a motion to dismiss the appeal was sustained.

Before the case was finally settled John Van Houton applied for a writ of *certiorari* for the purpose of bringing up and setting aside the former proceeding by which a recount of votes had been secured. This case was argued before the Supreme Court where it was held that the decision of the lower court was binding and could not be collaterally impeached.⁸² Thus the courts, in effect, sustained the contentions that Eldora was legally the county seat.

When this decision of the Supreme Court was made known a suit in equity was brought by Isaac S. Moore and Thomas J. Sheldon in the district court in April, 1863, to have the original order for a recount of votes set aside on the grounds that the order had been obtained by fraud. A change of venue was taken to the district court of Grundy County where it was decided in favor of Point Pleasant and an order for the removal of the county seat to that place was obtained. The case was then appealed to the Supreme Court, on July 23, 1868, where the decision of the lower

⁸² *History of Hardin County, Iowa* (1883), pp. 234, 396-398; *The State of Iowa ex rel. Anderson v. Jones, County Judge, et al.*, 11 Iowa 11 at 14; *The*

court was reversed, thereby giving Eldora legal authority to retain the seat of justice. This ended the contest which had been engaging the attention of the people of the county almost continuously for a period of more than ten years.⁸³

Harrison County.—Harrison County, like many other counties of the State, dates its beginning from January 15, 1851, when the boundaries of the county were established. A law relative to separate organization was passed on January 12, 1853. At this time Abram Fletcher of Fremont County, Charles Wolcott of Mills County, and A. D. Jones of Pottawattamie County were appointed as commissioners to locate the seat of justice, which the legislature decreed should be given the name of Magnolia.⁸⁴

At the time the commissioners were making their investigations three sites were advocated as favorable locations for the county seat. A site, later known as Calhoun, on the main road between Council Bluffs and Sioux City, was suggested; a second location was at Reel's mill near the present site of the town of Logan. It was contended that this place was near the center of population and would develop rapidly since it was located on the river. Another site proposed, and the one which was finally selected was the place where the village of Magnolia now stands.

For a number of years Magnolia retained the county seat with little opposition. However, when railways were extended across the county and failed to pass through Magnolia there was an inevitable decline in the county seat town and an agitation for removal.

State of Iowa ex rel. Van Houten v. The County Judge of Hardin County, 13 Iowa 139.

⁸³ Moore et al. v. Parker et al., 25 Iowa 355; *History of Hardin County, Iowa* (1883), pp. 396-403.

⁸⁴ *Laws of Iowa, 1852-1853*, pp. 22-25.

In July, 1867, the town of Logan was laid out and named in honor of General John A. Logan of Illinois. In 1875 the county seat was removed to Logan. There appears to have been no further serious agitation relative to removal, and the county seat still remains at that place.⁸⁵

Henry County.—As was indicated previously, a law was approved on December 7, 1836, which divided Demoine County, and Henry County was one of the counties established in this way. The law creating the county designated the town of "Mountpleasant" as the place of holding court. Accordingly the first district court ever held in Henry County convened at Mount Pleasant on Friday, the 14th of April, 1837. On January 18, 1838, however, the boundaries of the county were changed, and by the terms of the same act the seat of justice was established at the town of Mount Pleasant. Although the town had been laid out prior to the establishment of the county, its central location made it the logical candidate for the seat of justice, and no concerted effort has been made to relocate the county seat.⁸⁶

Howard County.—Howard County was established in 1851 and officially organized in August, 1855, when a full staff of officers was elected. As most of the officials lived at Vernon Springs this place laid a strong claim to the county seat. It was not designated as such, however, until a year later when Judge James G. Upton gave his approval. By this time other villages were springing up, each hoping to become the county seat. One of these contesting towns was Howard Center, which in some manner succeeded in winning the support of Judge Upton, who, in September, 1857,

⁸⁵ Smith's *History of Harrison County, Iowa*, pp. 140-143, 373-375.

⁸⁶ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 76-78, 381, 383; *History of Henry County, Iowa* (1879), pp. 376, 504.

ordered that the county effects be removed to Howard Center which he designated as the county seat.

This location was temporary, however, for in the fall of the same year agitation developed for a change. As a result of this, the county judge appointed M. V. Burdick, G. N. Holbrook, and George Bronson as a committee to locate the county seat at such point as seemed, in their opinion, best calculated to please the greatest number of the people. After some investigation near the center of the county the commissioners went to Vernon Springs and to New Oregon, each of which claimed to possess superior advantages.

The citizens of New Oregon provided a conveyance in which the commissioners were taken to view the surrounding country. This party was put in charge of a young lawyer who in his enthusiasm is reported to have gone beyond the limits of Howard County and to have shown the commissioners some of the well developed farms in Winneshek County. The commissioners, however, became impressed with the town of New Oregon and were about to locate the county seat there when a committee from Vernon Springs appeared.

The contentions of the two claimants threw the commissioners into confusion. It was clear that the county seat could not be given to either without creating jealousy on the part of the other. Finally as a compromise it was agreed to locate it at a place known as Pike's Peak, a bluff equidistant from the two towns. A subscription fund which had been raised by the two contesting towns was appropriated for the building of a courthouse, which was erected in 1859 and this ended the controversy for a few years.

The building erected in 1859 was of bass wood and as such was subject to early decay. Accordingly it appears in the records of the board of supervisors as early as Septem-

ber, 1865, that the building "has become so delapidated by age, as to render it unfit for office purposes, and an unsafe repository for records". The records state further that the county had been offered the use of a suitable building in the town of Vernon Springs. This offer was accepted by the supervisors who ordered that the records and fixtures of the county be moved to that place. The board of supervisors met at Vernon Springs the following October, but owing to the opposition from New Oregon the county offices were not removed. At the October session of the board the offer from Vernon Springs was renewed, and was met by a counter offer from the citizens of New Oregon, who offered to build a brick courthouse if the county seat should be located at that place. Neither of these offers was accepted and the county offices remained at "the bluff".

In January, 1867, however, a new rival for the county seat appears on the scene — the flourishing railroad town of Cresco. The board of supervisors, upon invitation of the citizens of the new contesting town, visited the proposed site; and as a result accepted the offer of the new town to furnish a suitable building, and directed the sheriff to remove the county records to Cresco. At the June session the board ordered the county officers to remove their offices to the new location. In this matter the board had exceeded its authority and to legalize the order the question was submitted to a vote in September of the same year. The results of this election show, however, that the board was not supported for the vote stood 800 in favor of Cresco and 969 in favor of retaining the old location. Thus the old, dilapidated building at the bluff remained the official county seat although the county business was transacted in the new building at Cresco.

In the face of this situation it was difficult to know what should be done and as a result nothing was done until the

building provided as a courthouse at Cresco was burned. Then the question was reopened for discussion. At this time the incorporation line of the town of Cresco was extended to the south so as to include within its limits the old courthouse at the bluff. This having been done it was voted to remove the courthouse to a newly selected square and a beautiful building was erected. Thus ended the county seat controversy in Howard County.⁸⁷

Humboldt County.—In 1851 a county of Humbolt was established which was later blotted out, and on January 28, 1857, the present county of Humboldt was established with boundaries differing somewhat from those of the original county. The law of this latter date appointed W. C. Stafford of Webster County, Asa C. Call of Kossuth County, and Ezekiel Clark of Johnson County as commissioners to locate the county seat. They were instructed to meet on the first Monday of March, 1857, or within six months thereafter and to locate the seat of justice as near the geographical center of the county as a convenient site could be found.

Within the time allotted two of the commissioners, W. C. Stafford and Asa C. Call, met and decided that the town of Dakota City should become the county seat. At that time it was supposed that the boundary of the county would be changed to conform with that of the original county of Humbolt, and in this event Dakota City would have occupied a central location in the county. This change was not made but the county seat has been retained at Dakota City.⁸⁸

Ida County.—Ida County was established in 1851. In 1853

⁸⁷ Alexander's *History of Chickasaw and Howard Counties, Iowa*, pp. 386-393.

⁸⁸ *Laws of Iowa, 1856-1857*, pp. 199, 200; *History of Kossuth and Humboldt Counties, Iowa* (1884), p. 568; Garver's *History of the Establishment of Coun-*

it was attached to Waukau (Woodbury) County under which it was later organized.⁸⁹ The first settlement in the county was made at Ida Grove which at first was called Ida. Upon the organization of the county in 1858, Ida was designated as the county seat. The town was located relatively near the center of the county and with the coming of the railroad a few years later it became the leading commercial as well as geographical center of the county. The name was subsequently changed from Ida to Ida Grove but the county seat has remained unchanged.⁹⁰

Iowa County.—On February 17, 1843, nine new counties were established of which Iowa County was one. A law which provided for the organization of the county was passed in June, 1845, and at this time Thomas Henderson, Luman M. Strong, and Stephen B. Gardner were appointed to select the county seat.⁹¹ The commissioners met as instructed at the home of James M. Price and proceeded to view the surrounding country. When they arrived in the vicinity of Marengo one of the commissioners was impressed with the similarity between the valley of the Iowa River and plains of Italy where Napoleon had gained his celebrated victory against the Austrians. Because of this seeming similarity he declared that the place should be called Marengo. The other commissioners agreed and at this place the county seat was located. It appears that the name of Marengo was not satisfactory to the people, and at the first meeting of the board of county commissioners on September 14, 1845, an order was passed which provided

ties in Iowa in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, pp. 427, 428.

⁸⁹ *Laws of Iowa*, 1851-1852, p. 33, 1852-1853, p. 24.

⁹⁰ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 373.

⁹¹ *Revised Statutes of the Territory of Iowa*, 1842-1843, pp. 131-135; *Laws of Iowa*, 1845-1846, pp. 85-88.

that the name of the county seat should be changed to "Valley Forge". In this, however, they exceeded their authority and the order never became effective.

A few years after the location of the county seat at Marengo an agitation for a removal developed. In response to this demand the legislature in January, 1855, passed a law which provided that at the next April election the question of removal should be put to a vote. By the terms of this law commissioners were appointed whose duty it was to select a new location if the vote for removal carried. No report of the results of this election is found, probably due to the fact that the vote was adverse to removal.

The question of removal continued to be agitated, however, and on March 2, 1857, a petition was filed with the county judge, asking for a vote upon the question of changing the county seat from Marengo to Genoa Bluffs. This petition was met by a number of affidavits stating that some of the signers of the petition were not legal voters, that others did not reside in Iowa County, and that still others whose names appeared on the petition had not signed it or authorized others to sign for them. In the face of this evidence the petition was denied and the question was not submitted to a vote.

Again in 1864, a petition was presented to the board of supervisors asking for a vote upon the question of removal from Marengo to Williamsburg. This was voted upon at the November election, 1864, when 968 votes were cast for Marengo and 500 for Williamsburg. This seems to have been taken as a final decision in favor of Marengo and the county seat still remains there.⁹²

Jackson County.— Jackson County was established by legis-

⁹² *Laws of Iowa, 1854-1855*, pp. 116-118; *History of Iowa County, Iowa* (1881), pp. 354-357, 375, 376.

lative enactment of December 21, 1837, and the town of "Bellevue" was designated as the county seat. This town, being situated on the eastern border of the county, soon met with opposition from towns farther west. In the year 1840, the territorial legislature of Iowa at its extra session appointed three commissioners to relocate the county seat, selecting such a place as a majority of the commission might agree upon, "having reference to the geographical centre, water, timber, and the welfare and convenience of the present and the future population."

No record appears of any action taken under this law. Indeed, it is believed that no action was taken, for on January 15th, of the following year, a law was passed amending this law. At this time other commissioners were appointed, who were authorized to select a site and give it a name. When they had made their selection, an election was to be called to determine whether the new site or the original location at Bellevue should be the permanent seat of justice. This law provided further that, the selection having been made, the county commissioners should be authorized to borrow enough money to purchase from the government the quarter section selected, also to lay out the town and sell lots thus securing money with which to repay the loan.

Under the provisions of this law a quarter section was selected near the geographic center and given the name of Andrew, and the county seat was removed to this place where it remained until 1851. In the meantime a law had been passed on January 24, 1848, which provided for an election for relocation but nothing was accomplished.

In 1851 the question again came up for consideration. On February 5th of that year still another law was passed which provided for a relocation. As a result of this law an election was held which resulted in a return of the county seat to Bellevue.

At this point attention should be called to the passage of two general laws relative to the location of county seats. The first of these was passed in connection with the law relative to the organization of counties and became effective on January 22, 1853. It provided that the majority of the citizens of any organized county might petition the district judge, whose duty it would be to appoint three commissioners for the purpose of locating a county seat. The second and more important general law became effective on January 31, 1855, and provided that whenever the citizens of an organized county desired to relocate the county seat they might petition the county court, indicating the desired location. Such petition must be signed by at least half of the legal voters of the county and presented at a regular session of the county court. It then became the duty of the county judge to order that the question be voted upon at the next succeeding April election. If the point designated in the petition secured a majority vote it became the duty of the county judge to declare such site to be the county seat.⁹³

Under the authorization of this law Nathaniel Butterworth conceived the idea of securing the location of the county seat of Jackson County on his farm, near the center of the county and less than a mile from the town of Andrew. Accordingly he laid out a town, gave it the name of Centreville, and circulated a petition to have it made the county seat. The people of Andrew were opposed to having the location so near their town and yet outside it, and they joined with the citizens of Bellevue in defeating the plan. At the election Centreville lost by about one hundred and eighty votes and passed into history as a paper town.

⁹³ *Laws of the Territory of Wisconsin*, 1836-1838, p. 134; *Laws of the Territory of Iowa*, 1840-1841, pp. 7, 83-85; *Laws of Iowa*, 1847-1848, p. 46, 1850-1851, p. 176, 1852-1853, p. 28, 1854-1855, pp. 71, 72; *Code of 1873*, p. 46; *Ellis's History of Jackson County, Iowa*, Vol. I, p. 75.

In the early fifties the town of Fulton had been laid out, and in 1857 a petition was presented to the county judge asking for a vote upon the question of a removal from Bellevue to Fulton. This election was held in April, 1858, but although the contest was short and vigorous Bellevue won by a majority of twenty votes. The people of Fulton commenced *quo warranto* proceedings to contest the election, alleging that a sufficient number of illegal votes had been cast in Bellevue to change the result of the election. It was retorted that more illegal votes were cast on the other side than by the friends of Bellevue. The case, however, was dropped without final adjudication in the courts, and accordingly without affecting a change in the location of the county seat.

The same year — 1858 — a petition was presented to the county court asking for a vote at the next April election between Bellevue and Andrew. In the meantime, however, a law had been passed which provided a general election in the fall instead of in April. Accordingly no election was held in April, 1859, or in 1860, and because of this fact the county judge ruled that the April election had been abolished, and refused the application. No appeal was taken and again Bellevue retained the county seat.

In the fall of 1859 there were three candidates for the office of county judge. Judge Joseph Kelso who had refused to grant the petition for an election between Bellevue and Andrew was defeated in the Democratic nominating convention by Charles Rich of Maquoketa. Mr. Rich was in turn defeated at the election by the Republican candidate, Joseph H. Smith of Andrew. Both of the latter men were pledged to order a county seat election whenever a petition should be presented asking for another vote between Bellevue and Andrew and this election was duly ordered. The Bellevue people attempted to secure an in-

junction to prevent the holding of the election but were unsuccessful. Moreover, the electorate of the county was suddenly increased by about four hundred persons receiving naturalization papers at a single term of court. With these changes within the county the election resulted in a majority of five hundred and sixty votes in favor of a return of the county seat to Andrew. An attempt was then made in the court to defeat the removal. The Supreme Court held, however, that because the April election had not been expressly abolished by name, an election for the purpose of locating the county seat might be called.⁹⁴ Accordingly the seat of justice was removed to Andrew, where a courthouse was furnished gratuitously for a term of five years. In 1866 this building was sold to the county for one-third of its original cost.

In 1868 another attempt was made by the people of Bellevue to regain the county seat, but they were unsuccessful.

The last change in the county seat of Jackson County was in 1873, when it was moved to Maquoketa, after a strong and bitter contest. To secure a victory the citizens of Maquoketa believed that it would be necessary to erect a courthouse in advance of the election. The city council could not, however, legally appropriate funds for a county building. Accordingly it was decided to erect a city hall which might be leased to the county for a term of ninety-nine years and in June, 1873, the sum of \$8000 was voted for this purpose. The law had recently been changed so that petitions for removal of county seats must be presented to the board of supervisors at its regular session and the voters of Jackson County presented a petition to the board of supervisors asking for an election, which was duly granted. In the meantime the new "courthouse" in

⁹⁴ Ellis's *History of Jackson County, Iowa*, Vol. I, pp. 72-78.

Maquoketa was being rapidly completed and photographs of it were circulated throughout the county.

On August 25, 1873, the citizens of Maquoketa petitioned the city council to lease to the county for ninety-nine years such parts of the building as should be needed for the county officials on condition that the county seat be removed to Maquoketa. As a further inducement for a removal, the citizens of Maquoketa agreed to transfer all records free of charge to the county.

The result of the election was a majority of 179 votes in favor of Maquoketa, and the work of removal was performed as agreed upon, on November 9, 1873.

In 1876 there was an attempt to secure a vote for another removal to Andrew; but, after much excitement, the petition was denied, there being two more signers on the remonstrance than on the petition. While there is still some dissatisfaction with the location at Maquoketa, it is probable that there will be no further removal.⁹⁵

Jasper County.—The boundaries of Jasper County were established on January 13, 1846, and four days later a law was passed which provided for its organization. This law appointed Richard Fisher, E. M. Kirkham, and Thomas Henderson as commissioners to locate the county seat.⁹⁶ On the 11th of May following, two of the commissioners, Mr. Fisher and Mr. Henderson, met before a justice of the peace and took oath to locate the county seat impartially, taking into account the future as well as the present population of the county. The result of their work was the selection of a site on the northwest quarter of section 34, township 80, range 19, to which they gave the name of Newton City. This point was centrally located in the county, and in

⁹⁵ *History of Jackson County, Iowa* (1879), pp. 335-338.

⁹⁶ *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75, 92-95.

choosing it the commissioners forestalled much of the rivalry that has appeared in other counties of the State. A rude log cabin was erected as the first courthouse, and Judge Joseph Williams of Muscatine held the first term of court which convened in the county.

The name selected by the commissioners was not long retained, for on February 3, 1847, the legislature passed a bill which provided that the name of Newton City should be changed to Newton. Thus the town of Newton became the first county seat of Jasper County and has retained that honor until the present time.⁹⁷

Jefferson County.—By an act of legislation of January 21, 1839, Henry County was divided and the county of Jefferson was established. This law provided for the appointment of Samuel Hutton, Joshua Owens, and Roger N. Crissup as commissioners to locate the county seat, and authorized them to meet at the town of Lockridge on the first Monday of March for that purpose. They were instructed “to pay strict regard to the geographical centre, and to locate the seat of justice as near the centre as an eligible situation can be obtained”. They were also authorized to name the location selected.

In accordance with the provisions of this law the men appointed met on the day designated, and having been duly sworn according to law proceeded to discharge their trust. Many believed that the town of Lockridge would be selected, but as this was near the eastern border of the county the commissioners chose a more nearly central location and gave it the name of Fairfield. That the commissioners were wise in this selection can scarcely be questioned, for Jefferson County presents one of the few and commendable

⁹⁷ *History of Jasper County, Iowa* (1878), pp. 326, 327, 331; *Laws of Iowa, 1846-1847*, p. 36.

examples in the State of Iowa where the location of a county seat has caused little contention. Indeed, no record appears of the question of a relocation ever having been seriously considered. Accordingly, Fairfield from the date of the organization of the county to the present time has been the undisputed seat of justice of Jefferson County.⁹⁸

Johnson County.—Johnson County was one of the group established when Dubuque County was divided on December 21, 1837. During the next few months there existed, at least on paper, two rival towns with aspirations for the county seat. One, called Napoleon, was located on section twenty-two of Lucas Township, the other, called Osceola, was nicely arranged on paper, with churches, parks, and colleges, but had no fixed location. Indeed, it was little more than a proposed plat brought from South Bend, Indiana, by Judge Pleasant Harris, with the hope that he might establish the proposed town and make it the county seat.

There was real rivalry between these two proposed locations; so much, indeed, that the Napoleon settlers prepared a petition to the legislature and authorized S. C. Trowbridge to lobby for their interests. Mr. Trowbridge chose John Foley of Dubuque County to introduce a bill embodying the wishes of the group at Napoleon. Through the influence of these men the legislature on June 22, 1838, passed a bill which provided for the organization of Johnson County and designated the town of Napoleon as the seat of justice. This law was to become effective on July 4th of the same year.⁹⁹

⁹⁸ *Laws of the Territory of Iowa, 1838-1839*, pp. 92, 93; *History of Jefferson County, Iowa* (1879), pp. 393-395.

⁹⁹ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 135, 543; *History of Johnson County, Iowa* (1883), pp. 168-171.

For a little more than a year Napoleon continued to be the county seat. The first election held in the county occurred there on September 10, 1838, and the first county commissioners met there in March of the next year.¹⁰⁰ In May, 1839, Iowa City was designated as the territorial capital and this at once gave rise to an agitation to remove the county seat also to that place.

On October 7, 1839, the county commissioners met at Napoleon for the last time; and having transacted the business of the day, it was ordered, "That this court now adjourn, to meet to-morrow morning at eight o'clock, at the house of F. M. Irish, in Iowa City." From this time on Iowa City was in reality the county seat, although the removal was unauthorized. In December of the same year, however, the relocation was duly authorized by the Legislative Assembly, and the position of Iowa City as the seat of justice has not since been seriously questioned.¹⁰¹

Jones County.—Jones County was established in 1837, and, together with Linn and Benton counties, was temporarily attached to Jackson County. Thus no county seat was provided at first within the limits of Jones County. On January 24, 1839, an act was passed which provided for the organization of the county. By the terms of this law commissioners were appointed to locate a county seat. It seems, however, that this commission failed to act, for in January of the next year a bill was passed to provide for the location of a seat of justice, and other commissioners were appointed to make the selection.¹⁰²

¹⁰⁰ *Early Iowa* (The Iowa City Republican Leaflets), Ch. I, pp. 57, 61, Ch. II, pp. 13, 17.

¹⁰¹ Shambaugh's *Iowa City*, p. 23; *Laws of the Territory of Iowa*, 1839-1840, p. 25; *History of Johnson County, Iowa* (1883), pp. 176, 177.

¹⁰² *Laws of the Territory of Wisconsin*, 1836-1838, pp. 134, 135; *Laws of the Territory of Iowa*, 1838-1839, p. 95, 1839-1840, p. 139.

The commissioners thus appointed agreed upon a location very near the geographical center of the county where a town was laid out and given the name of Edinburg. A log cabin was erected to serve as a courthouse, in which Judge Thomas S. Wilson held the first term of the district court. The site had no advantages over many other places in the county, except its central position. Other towns grew up in the county, but Edinburg showed no signs of growth. The people of the county soon became dissatisfied and petitioned the legislature for a change of location of the county seat. In response to this petition the legislature on January 17, 1846, passed a law which provided that the county commissioners should select two places to be voted upon as a seat of justice.¹⁰³

In February of the same year the commissioners met for the purpose designated, and selected as one of the places a location in the southern part of Jackson Township, and gave it the name of Newport. The other place selected was located on the county line, near Cascade. The name of this site, if indeed it were given a name, does not appear. The selections made appear to have been the result of political log-rolling on the part of the commissioners as neither site offered any advantage over the location at Edinburg. Notwithstanding this fact, the matter came to a vote and resulted in a removal of the county seat to Newport. The county commissioners held a meeting there in May, 1846, and provision was made for the holding of a term of the district court. When Judge Wilson arrived, however, and found no building in which to hold court, he returned to Dubuque.

Again the question of a permanent location for the county seat came before the legislature. On February 3, 1847, a

¹⁰³ *Laws of the Territory of Iowa, 1845-1846*, p. 83; *Corbit's History of Jones County, Iowa*, Vol. I, pp. 70, 71.

law was passed which provided that the voters of Jones County might vote upon such points within the county "as they may deem proper". If any point should receive a majority vote it should become the permanent seat of justice. If no point should receive such a majority, provision was made for another election to choose from among the three receiving the largest number of votes.¹⁰⁴

At the first election five candidates entered the contest: Lexington, Newport, Rome, Monticello, and Scotch Grove. Newport and Lexington stood the highest in the contest, and in a second election, about two weeks later, a majority of votes was given to Lexington. The name of Lexington was later changed by the authority of Judge Wilson of the district court to Anamosa. Thus Anamosa became the seat of justice of Jones County.

Since 1847 various attempts have been made to secure a more central location. In April, 1857, a contest was waged between Anamosa and Madison, resulting in 1024 to 717 votes in favor of the former. In the following year an attempt to remove the county seat to section one of Jackson Township failed by 33 votes. In 1874 the people were called upon to decide between Anamosa and Center Junction. The contest was a bitter one and not without some fear on the part of the friends of Anamosa. The former location was retained, however, by about four hundred votes.¹⁰⁵ Another active contest for a removal of the county seat developed during the early eighties when the town of Wyoming aspired to the honor of becoming the seat of government. Petitions were circulated, and preparations were in progress for erecting a new courthouse at that place. The question was never voted upon, however.

¹⁰⁴ *Laws of Iowa, 1846-1847*, p. 38; Corbit's *History of Jones County, Iowa*, Vol. I, p. 71.

¹⁰⁵ *History of Jones County, Iowa* (1879), pp. 332-334.

Within recent years there has been some agitation for a removal to Monticello. A bond in the sum of \$50,000 was signed for the erection of a courthouse, if the location were made at that place. It was quite generally agreed, however, that such a removal could not be obtained and Anamosa is still the county seat.¹⁰⁶

Keokuk County.—Keokuk County was established in 1837, and was temporarily attached to Cedar County.¹⁰⁷ In 1843 the boundary was changed and on February 5th of the following year an act was passed which provided for the organization of the county and appointed a commission to locate the county seat.¹⁰⁸

About the first of March, 1844, S. A. James, the county clerk, began his work of organizing the county and established an office at Western City or Newton, as it was sometimes called, in the southeastern part of the county, near the present town of Richland. The locating commissioners met in May and after spending five days in examining proposed sites chose the site of the present town of Sigourney. This was prior to the establishment of a town at that point. The general law of the Territory required that the office of the clerk be located at the county seat. In accordance with this provision, as soon as the report of the locating commission was filed, Mr. James moved his office to the new location and constructed the first log cabin in Sigourney.

The county commissioners, learning that the seat of justice had been located near the center of the county, were not pleased, and called a meeting at the town of Richland on May 15, 1844. Two significant orders were passed at this meeting.

¹⁰⁶ Corbit's *History of Jones County, Iowa*, Vol. I, p. 72.

¹⁰⁷ *Laws of the Territory of Wisconsin*, 1836-1838, p. 136.

¹⁰⁸ *Laws of the Territory of Iowa*, 1843-1844, pp. 85-89.

First, in consequence of a petition which had been signed, asking for a delay in the matter of locating the seat of justice, the board issued an order to "defer any proceedings with regard to the county-seat at this time."

The second order was "that suitable rooms be provided in the town of Richland for holding the first term of the District Court in, and for Keokuk county."

Judge Joseph Williams was at this time judge of the district court. It is clear that he did not approve of the action taken by the county commissioners in providing a room at Richland for he convened the first district court at Sigourney in the cabin erected by S. A. James. The court was not in session over three hours but long enough to show the attitude of the judge in regard to the location of the county seat. A few days after the convening of this court, the county commissioners met again, and in view of the action taken by Judge Williams ordered the removal of all county offices to Sigourney.¹⁰⁹

With the location at Sigourney it seemed that the question of a county seat had been finally settled and the location permanently fixed. But this was not true. While the friends of Sigourney were triumphant in having gained the victory, and were engaged in building up the town, the opposition was busily engaged in planning a removal. Presently a petition was circulated asking the legislature to provide for an election for removal. This was presented to the legislature by J. B. Whisler, and in turn a remonstrance was presented by S. A. James — these men having journeyed to Iowa City in order to represent their interests.

After having scratched certain names from both papers, it was found that the petition presented some fifty more signatures than the remonstrance. On the 26th of May, 1845, all the papers were placed in the hands of Stephen B.

¹⁰⁹ *History of Keokuk County, Iowa* (1880), pp. 341-344.

Shelledy, Representative from Keokuk and Mahaska counties, and on the following day a bill was introduced providing for commissioners to relocate the county seat of Keokuk County. On May 28th, the bill was read a second and a third time, and passed the House by one vote. The bill was then sent to the Senate where it was placed in the hands of a select committee, which reported unfavorably, and as a result the bill was laid on the table by a vote of eight to five. This ended the contest temporarily, and Mr. James hastened home to report the outcome to the people of Sigourney, who, it is said, awaited his return "with much the same feeling that a party interested in a verdict awaits the coming of a jury."

For a time there was a lull in the contest, but when the legislature reconvened it was taken up with renewed vigor. This time the lobby was increased to six persons, three representing the interests of each side. The petitioners again had more signatures and on January 9, 1846, they succeeded in securing the passage of a law appointing commissioners to relocate the county seat.

This law contained a clause which stipulated that if a new location were selected the county "commissioners shall make such indemnity to the lot holders of the town of Sigourney as they may have sustained to reimburse them for any loss or losses sustained by the removal of the county seat". Who the author of this clause was does not appear, but it soon became evident that it was inserted for a definite purpose.

Under the provisions of this law another site was selected at the town of Lancaster. At the ensuing August election the question of a removal from Sigourney to Lancaster was voted upon — the result being a majority of sixty-four votes for removal. At the next meeting of the board of county commissioners the result was reported and an order for a

removal was issued. S. A. James, county clerk, who, it will be remembered was the first county official at Sigourney, took exceptions to the order. Instead of removing his office, he and Joseph Knox set out for Muscatine where they employed an attorney to secure an injunction restraining further action with regard to removing the county seat from Sigourney. Mr. Knox had purchased lots in the town of Sigourney and he contended that he had bought these as county seat property, that this particular quality in the property was a vested right, which could not be taken away, and that the law authorizing a vote for relocation was unconstitutional. He contended, moreover, that even if the law were constitutional the county seat could not legally be removed until the indemnity provided for in the law had been paid to him and other property holders in Sigourney.

An injunction was granted upon these grounds. The case came up for trial and by change of venue was taken to the district court at Burlington, where a decision was rendered in favor of the complainant. The county commissioners appealed the case to the Supreme Court, where the decision was reversed and the bill of Mr. Knox was dismissed. Only one further action remained to Mr. Knox. He appealed to the Supreme Court of the United States. It was thought that this appeal would have the effect of retaining the office of clerk at Sigourney until a final decision could be reached. Judge Cyrus Olney of the district court, however, thought that the injunction having been dissolved by the State court, there was no longer any restraining influence. He, therefore, very emphatically ordered a removal of the clerk's office to Lancaster.

Thus Lancaster became the county seat — the records being removed on August 7, 1847, just a year and a day after the vote for a removal had been taken. The long extended contest had failed to retain the county seat at

Sigourney. It resulted, however, in an enforcement of the indemnity clause above mentioned, and the lot owners in the town were indemnified according to the depreciation in the value of their lots.

Following this removal larger political issues engaged the attention of the people of Keokuk County and for a time little attention was given to the county seat contest. In 1853, however, the agitation was renewed in an attempt to secure the return of the county seat to Sigourney. When the legislature met in 1854, it was presented with a petition asking for a law authorizing an election for this purpose.¹¹⁰ This law, like the one passed when the county seat was removed from Sigourney, contained an indemnity clause, which provided for the payment to property holders for loss which might occur in case of a removal from Lancaster. This law also provided that the place which received the largest number of votes should be and remain "forever afterward" the county seat.

Under this law an election was held, and according to the report of the canvassers there was a majority vote against removal, and the judge declared that Lancaster should remain the county seat. This result was arrived at, however, after the canvassers had thrown out certain votes which they declared were irregular, and upon investigation it was found that, counting all of the votes, a majority had been cast in favor of removal. In view of this fact an action of *mandamus* was brought to compel the judge to order a removal. The district court rendered a decision in favor of the complainant, and ordered the removal to be made. The case was then appealed to the State Supreme Court where the judgment was reversed.¹¹¹

¹¹⁰ *History of Keokuk County, Iowa* (1880), pp. 369-380.

¹¹¹ *Laws of Iowa, 1854-1855*, pp. 208-210; *Price and Wait v. Harned et al.*, 1 Iowa 473.

On January 21, 1855, three days prior to the passage of the legislative enactment above mentioned, a general law was passed which provided that "any" county seat might be relocated by complying with this law. The citizens of Sigourney were not slow to ask for another election, and at the April election in 1856 the question was again presented to the people. The returns of this election showed a majority vote in favor of Sigourney. The judge thereupon ordered that the county seat be returned to that place. The records were removed on April 12, 1856 — almost nine years after they were taken from Sigourney to Lancaster.

This, however, did not end the contest. The people of Lancaster contended that the special act of January 24, 1855, had in effect annulled the general law of January 21st, in so far as it applied to Keokuk County and that the election under the general law was therefore of no effect. Moreover, the special law had provided that the place which received the majority vote should "forever afterward" remain the county seat. This, they contended, settled the question for all time.¹¹² On these two questions the case was carried into the Supreme Court. It was held, however, that the special law did not annul the general act, and that the word "forever" as used in the law, meant until such time as a change should be legally authorized. Thus after a period of twelve years of almost continuous contest the county seat was finally established at Sigourney.¹¹³

Kossuth County.— Kossuth County was established in 1851. By legislative enactment of January 24, 1855, the counties of Kossuth, Bancroft, and the north half of Humbolt were united to form the county of Kossuth, and the county seat was "located on the south west quarter of section two in

¹¹² *History of Keokuk County, Iowa* (1880), pp. 345, 368–381.

¹¹³ *Casey v. Harned*, as County Judge, 5 Iowa 1.

township ninety-five north, range twenty-nine west". In the spring of 1856 a town was laid out at this point and given the name of Algona. Although Algona is located some distance from the center of the county it still retains its position as the county seat.¹¹⁴

Lee County.—Lee County was established on December 7, 1836, when the original county of Des Moines was divided. The law which established the county provided that court should be held at the town of "Madison". On January 18, 1838, the Governor of the Territory of Wisconsin approved an act which provided that the seat of justice should be established at Fort Madison. It was not long, however, until the people in the western part of the county began to complain that the county seat was too far away and a movement was instituted to secure a relocation. Accordingly, at a session of the legislature in 1840 a commission was appointed to investigate the conditions in Lee County and recommend a location for a permanent seat of justice.¹¹⁵

Two of the members of the locating commission met at Fort Madison on the first Monday in March, 1840, and after examining several proposed sites, recommended the "south half of the southeast quarter of section 23, and the north half of the northeast quarter of section 26, in township 68 north, range 6 west"—this being almost the exact geographic center of the county. As the locating commissioners were acting under the authorization of the territorial legislature, the county authorities had no recourse in the matter but to accept their decision. The location was therefore accepted by the county commissioners and the name "Franklin" was selected for the new seat of justice. The

¹¹⁴ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 400; *Laws of Iowa, 1854-1855*, p. 210.

¹¹⁵ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 76-78, 381-384; *Laws of the Territory of Iowa, 1840* (Extra Session), pp. 11, 12, 91.

owners of the land selected agreed to donate the site to the county, on condition that when the town was laid out every other lot should be reconveyed to the original owners. Accordingly the site was surveyed and platted, and a sale of lots was advertised to take place on July 13, 1840. No record is found of this sale, and it is not certain that any lots were sold. Indeed, the dissatisfaction over the location became so great that buyers were not encouraged to invest in lots. This dissatisfaction increased until at the next session of the legislature a law was passed which provided for submitting the whole matter to a vote of the people at an election to be held on the second Monday in March, 1841. Provision was further made that in case no location received a majority of the votes cast at the ensuing election, the two places receiving the highest number of votes should be voted upon at a second special election in April.

Immediately after the passage of this act the people of Fort Madison became active in their effort to secure the seat of justice. The town authorities, on February 23, 1841, passed an ordinance donating the sum of \$8000 for the purpose of erecting a courthouse in the town of Fort Madison, provided the county seat should be located there. Not only was this ordinance passed, but the money was actually turned over to the county treasurer as an indication of an intention to carry out the proposed plan. As a further guarantee that the proposed donation would be available, a number of citizens executed and filed a bond for \$16,000, twice the amount donated, guaranteeing its payment.

In addition to this, Daniel McConn, an ex-treasurer of Fort Madison, certified that \$5000 had been received from the sale of town lots, which sum it was proposed should be added to the public building fund. Other public spirited citizens purchased lots to the amount of \$560, for the location of the courthouse. These were conveyed to the county

upon the consideration of one dollar, which brought the building fund up to \$13,559 before the election was held. This "pernicious activity", as some of the opponents of Fort Madison expressed it, had its effect on election day: Fort Madison received 465 votes, Franklin 435, and West Point 320. Although no location received a majority Fort Madison was in the lead, and at the second election held on April 19, 1841, the vote stood 730 for Fort Madison and 477 for Franklin.

Many people now thought the question was settled, but they were mistaken. While the town of Fort Madison was erecting the courthouse, the advocates of Franklin and West Point united in presenting a petition to the legislature asking that the question be again submitted to the people. A remonstrance was presented by the people of Fort Madison, but it was of no avail. On January 13, 1843, the Governor approved an act "to relocate the seat of justice of Lee County." By the terms of this act commissioners were appointed and authorized to select such a location as to them seemed best, "taking into consideration the future as well as the present population."

The commissioners met at the town of Franklin on March 20, 1843, and after making their investigation reported the selection of the east half of the southeast quarter of section 5, township 68 north, of range 5 west. This was the land on which the town of West Point was located.

The commissioners in presenting their report included a document signed by a considerable number of citizens of West Point, in which they agreed to build a courthouse at that place. This building was to be forty-five by fifty feet in size, constructed of brick with a stone foundation, and was to be completed by September 1, 1844. It was to be given to the county "in consideration of the commissioners locating the county seat of Lee at West Point."

On March 28, 1843, the report of the locating commissioners and its accompanying document was filed with the board of county commissioners, who issued an order on the same day "that the district courts for Lee County, from and after the first day of April next shall be held at the Town of West Point."

It was mutually agreed by the people of West Point and the people of Fort Madison that the county seat should remain at the latter place for one year, also that the courthouse in Fort Madison should be sold at public auction and such part of the money as had been donated by citizens of Fort Madison should be refunded to the town. John A. Drake was appointed to take care of the building until it should be sold but the sale never occurred.

The people of West Point, true to their promise, built a courthouse on the site of the new location, and thus there were two courthouses in Lee County.

In the summer of 1843 a movement was started to have the county divided. A petition was presented to the next session of the legislature and on February 5, 1844, the Governor approved "An act for the formation of the County of Madison." By the provision of this act the question was to be submitted to the voters of Lee County at the following election in April. The proposition, however, was defeated by a vote of 952 to 713, and the county seat fight was again renewed.

Those who favored Fort Madison as the seat of justice started the circulation of a petition asking the legislature to submit the question again to a vote of the people. Accordingly "An act to relocate the seat of justice of Lee County" was approved on June 10, 1845, by which the question was to be voted upon at a special election to be held in August. It was further provided that if no place received a majority of all the votes cast, the three places receiving

the highest number should be voted upon at another election to be held in September. Six places entered the contest at the August election: Fort Madison received 664 votes, West Point 308, Franklin 326, Keokuk 208, Montrose 287, and Charleston 41.

Since no place received a majority, another election was held on the first Monday of September at which time Fort Madison, West Point, and Franklin were the three contestants. The time intervening between the elections was one of strenuous campaigning in Lee County. Whenever two neighbors met, the county seat question was the topic of discussion. Many bitter arguments ensued and fist fights occurred occasionally during this short but all-absorbing campaign. At the election in September the vote stood 969 for Fort Madison, 535 for West Point, and 378 for Franklin. Fort Madison having a majority of 56 out of a total of 1882 votes was again declared to be the county seat.

For a time it appeared that the people generally were willing to acquiesce in the decision reached at this election. Again in 1856, however, a petition was signed asking for an election to vote upon the question of removing the county seat to Charleston. This request was granted and again the matter was submitted to a vote of the people. No returns of this election are available. It is known, however, that Fort Madison was victorious and it has continued to be the county seat of Lee County.

It should be noted in this connection that a law was passed in 1847 creating certain courts in Keokuk which have concurrent jurisdiction with those at Fort Madison. Accordingly part of the litigation arising in the county is adjudicated at Keokuk. Offices are also maintained there by the country treasurer, recorder, and clerk of the district court.¹¹⁶

¹¹⁶ *History of Lee County, Iowa* (1879), pp. 443-456; Roberts and Moorhead's *Story of Lee County, Iowa*, Vol. I, pp. 78-83.

Linn County.—Linn County was established in 1837 when the county of Dubuque was divided. The counties of Linn, Jones, and Benton were at this time temporarily attached to Jackson County and no provision was made for a seat of justice in Linn County. At the first session of the legislature after the Territory of Iowa was created, however, a bill was passed to organize the county and to establish a seat of justice.¹¹⁷ Two of the locating commissioners, Richard Knott and Benjamin Nye, met in accordance with the law and chose the site of the town of Marion as the location for the county seat. On September 9, 1839, the board of county commissioners met in its first session, and passed an order giving the newly selected site the name of Marion.

The locating commissioners had considered well the advisability of securing a central location, and in this respect Marion had a strong argument against any attempt at relocation. On the other hand the town of Cedar Rapids at an early date came to be the metropolis and the commercial center of the county and accordingly was a strong candidate for the position of county seat.

In 1851 the new Iowa Code was adopted and by its terms the office of county judge was created to supersede that of the board of county commissioners. One of the duties of the judge was to “superintend the fiscal concerns of the county and secure their management in the best manner”. A further provision was made that the judge “may” submit to the people questions involving the expenditure of money for public buildings.¹¹⁸

In 1855 James M. Berry was the county judge in Linn County, and since the law was not mandatory with regard

¹¹⁷ *Laws of the Territory of Wisconsin, 1836-1837*, p. 134; *Laws of the Territory of Iowa, 1838-1839*, pp. 91, 92.

¹¹⁸ *Code of 1851*, Secs. 106, 114; *History of Linn County, Iowa* (1878), pp. 357-359.

to submitting fiscal questions to a vote of the people, the judge assumed the authority of authorizing the building of certain county buildings to be located at Marion, without first asking for a popular vote. As there was already a strong agitation for a removal of the county seat this action of the judge served only to intensify the feeling. Judge Berry's term of office expired in the fall of 1855 and his successor was to be elected in August of that year. The question of the relocation of the county seat became the chief campaign issue. Judge Berry was nominated for re-election by the Marion claimants for the seat of justice while Elias Skinner of Cedar Rapids was nominated by the Cedar Rapids faction.

The results of this election were 1233 votes for Judge Berry and 993 for Mr. Skinner, a majority of 240 votes for the former. This practically affirmed his building policy. The buildings were completed, and the question of relocation was for a time abandoned.

During the next few years the issues of the Civil War were paramount and no overt demonstration was made toward the removal of the county seat until 1871. In that year, however, the question again assumed definite form and engaged the attention of political leaders. Prior to this time the office of county judge had been abolished and a board of county supervisors instituted instead. Moreover, provision was made that petition for the removal of a county seat was to be presented to the board of supervisors. Accordingly at the June session of the board of supervisors of Linn County, it was ordered that all petitions relative to relocation should be on file by 9 A. M. on June 6, 1871, and that all remonstrances should likewise be on file by 3 P. M. of the same day. Upon examination it appeared to the board that many names were on both the petition and the remonstrance which had been presented. In view of this

contingency the board ruled that all such names would be counted only among the remonstrants. The petitioners thereupon withdrew, and admitted a temporary defeat. The withdrawal, however, was not an evidence of discouragement for in the following year — 1872 — another petition was presented.

This petition asked that a vote be taken upon the question of removal at the November election. Moreover, in presenting their petition, the citizens agreed to raise the sum of \$25,000 to be used for the erection of county buildings at Cedar Rapids — the money to be secured within twenty days after the vote should be ordered. A remonstrance was drawn up and presented by the citizens of Marion. Objection was also raised to the petition because of the appearance on it of several names which did not appear on the last preceding census. The law was explicit on this point and provided that no resident who had come into the county since the taking of the census of 1870 was a valid petitioner. The board sustained the remonstrance, and the petitioners attempted to appeal but the case was stricken from the docket. Thus again the struggle for the county seat was won by Marion.¹¹⁹

For a number of years the county seat remained at Marion, without any outstanding opposition on the part of the citizens of Cedar Rapids. In 1903, however, another petition was circulated to secure a removal. A number of citizens of Cedar Rapids, after signing the petition, signed the remonstrance also. Because of this the petition was defeated and no election for removal was called.

In recent years the extensive growth of the city of Cedar Rapids and the increasing need of new county buildings has given rise to much agitation for a removal of the county seat. In April, 1919, a petition was signed for an election

¹¹⁹ *History of Linn County, Iowa* (1878), pp. 363-367.

upon the question. This election was held in November, and resulted in 9960 votes for removal, and 4823 in opposition. To secure the county seat Cedar Rapids deeded to the county as a site for the new courthouse a portion of May's Island in the Cedar River, between the Third and the Fourth Avenue bridges. It was also agreed that the county offices should be retained in Marion until the new building was ready for occupancy.

The board of supervisors employed an architect to draw plans for the new building and in December, 1920, an election was held upon the question of appropriating \$1,300,000 to finance the building project. This proposal was defeated by more than twelve hundred votes. The plans were then modified and a bond issue was proposed including the sum of \$700,000 for a courthouse and \$50,000 for a jail. This proposal was accepted in November, 1922, by a large majority vote. In August, 1923, a contract for the new building was signed, and Linn County will in the near future have a modern and attractive courthouse at the newly selected county seat.¹²⁰

Louisa County.—The law by which Louisa County was established in 1836 provided that the district court should be held at the town of Wapello. The records show that the first term of court was held at that place on April 20, 1837. The county seat was not legally established, however, until January 18, 1838, when the legislature passed an act which provided that it be established at the town of "Lower Wapello". It may be noted in this connection that what is now Wapello was in those early days divided into three parts — Upper, Lower, and Middle Wapello — each of which was striving to secure the county buildings.

¹²⁰ Lazell's *Linn County: A Brief Review of its History from 1838-1923*, pp. 7, 8.

It appears that opposition to the selection made by the legislature soon arose. Indeed in January, 1839, another law was approved which provided for an election to determine the permanent location of the county seat. It was stipulated that in case no place received a majority of all the votes cast, another vote should be taken at the August election, when only the two places receiving the highest number of votes at the first election would be considered. It was further stipulated that the spring term of the district court should be held at Lower Wapello.¹²¹

The election thus provided for was held on March 4, 1839, and although the records show what officers were elected at this time, they do not show the result of the county seat election or what towns were contesting for the honors. It is known, however, that the town of Wapello was selected as the seat of justice — an honor which it has retained to the present time.¹²²

The question of relocation, however, has been considered. The Supreme Court reports for the year 1880 show that prior to this date a petition had been signed asking for a vote upon the question of removal. This was met by a remonstrance. It appears that the board of supervisors allowed affidavits, which had not been attached to the original papers, to be introduced to determine whether or not the signers were all legal voters. In so doing they found a sufficient number of signers upon the petition to warrant the calling of an election. The case was taken to the circuit court, where it was held that the supervisors should confine their evidence to that submitted with the petition and remonstrance in the first instance, and ordered the supervisors to proceed in accordance with this rule — thus

¹²¹ *Laws of the Territory of Wisconsin*, 1836-1838, pp. 76-78, 383; *Laws of the Territory of Iowa*, 1838-1839, pp. 89-91.

¹²² *Annals of Iowa* (First Series), Vol. VIII, p. 264; *Springer's History of Louisa County, Iowa*, Vol. I, pp. 75, 113, 114.

annulling the call for the election. The case was appealed to the Supreme Court, where the decision was sustained. Thus it appears that nothing resulted from the contest.¹²³

Lucas County.—The boundaries of Lucas County were established on January 13, 1846. Three years later in January, 1849, a law was passed which declared that the county should be organized after July fourth of that year. By the terms of this law Wareham G. Clark, Pardon M. Dodge, and Richard Fisher were appointed commissioners to locate the county seat. They were authorized to meet at Chariton Point on the first Monday in September or within thirty days thereafter, and from there proceed to view suitable locations.¹²⁴ They assembled at the home of William S. Townsend at the time appointed, and were met by most of the men of the county, who had come to participate in the selection.

The commissioners remained at the Townsend home over night and in the morning started out on their tour of inspection. This, however, was brief for when they came to the stakes marking off the government survey Wareham G. Clark asked some one to help him to stand up on one of the stakes. From this elevation he said, "Gentlemen, this is the county seat of Lucas county." The other commissioners agreed to his assertion. The site selected was given the name of Polk, but this name was unsatisfactory and the county commissioners were asked to change it. In complying with the request the commissioners chose the name of Chariton Point. Later the word "Point" was dropped and the name of Chariton remains.

The selection seems to have been a fortunate one. The

¹²³ Herrick v. Carpenter et al., 54 Iowa 340.

¹²⁴ *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75; *Laws of Iowa, 1848-1849*, pp. 88-90.

town is centrally located in the county, has good railroad facilities, and is well suited for a county seat town. No record of any contest for removal appears.¹²⁵

Lyon County.—One of the fifty counties established in 1851 was given the name of Buncombe, and was attached to Waukau — later Woodbury County. In 1862 the name Buncombe was changed to Lyon and Lyon County was for a number of years attached to Woodbury.¹²⁶ On October 10, 1871, an election was held at which the first county officers were elected. Although the town of Rock Rapids had been selected as the county seat, business was for a time transacted at the homes of the various officers. "The treasurers' office was located on James H. Wagner's homestead about four miles east of Doon, and the office of the auditor and recorder was at Beloit. The office of the clerk of courts was at the home of D. C. Whitehead 2 miles south of Little Rock. L. A. Ball, superintendent of schools, had his office at his homestead five miles south of Little Rock. The distance between the auditor's office and the Clerk's office was 45 miles."¹²⁷

A few years later the county offices were removed to Rock Rapids, and housed temporarily in various places. Court was held in different store buildings. The first courthouse in the county was erected in 1876, a more modern building being substituted in 1916. Although the county seat is some distance from the center of the county, it has good railway facilities and its other qualifications make it well suited for a county seat town.

¹²⁵ *History of Lucas County, Iowa* (1881), pp. 392-395.

¹²⁶ *Laws of Iowa, 1850-1851*, p. 38, 1852-1853, p. 24, 1862 (Extra Session), p. 22.

¹²⁷ *The Rock Rapids Review*, February 17, 1921; Hyde's *Historical Sketch of Lyon County, Iowa*, p. 20.

Madison County.—Madison County was one of the twelve counties which was established by legislative enactment of January 13, 1846. County organization was effected on January 1, 1849, when a staff of county officers was elected. In the fall of 1848 commissioners had been appointed to select the county seat. Two of these, Thomas Butler and George Gillaspie, met in June, 1849, and selected a location in the exact center of the county as the site of the future county seat. The name first given to this location was Independence but as there was already a town of that name in the State a change was necessary. When the county commissioners met, this matter was presented for their consideration and several names were suggested, among which was Summerset. One of the party suggested that the name Winterset would be more appropriate. This proposal was adopted and the town has since been known by that name.

The location of Winterset as the county seat of Madison County was well chosen. The only criticism which has been made against this selection is the lack of proper railroad facilities by which the people of the county can reach the county seat but this criticism is now in a large measure overcome by motor vehicle transportation. No effort to remove the county seat from Winterset has ever been made with any hope of success.¹²⁸

Mahaska County.—Mahaska County, as indicated previously, was one of the nine counties established in February, 1843. A year later, in 1844, a law was passed which provided for the organization of the county and designated Jesse Williams of Johnson County, Ebenezer Perkins of Washington County, and Thomas Henderson of Keokuk

¹²⁸ *Laws of the Territory of Iowa, 1845-1846*, p. 75; *Laws of Iowa, 1848-1849*, p. 35; Mueller's *History of Madison County, Iowa*, Vol. I, pp. 29-34.

County, as commissioners to locate the seat of justice.¹²⁹ These men met on May 11, 1844, to select the county seat.

Three locations were submitted for the consideration of the commissioners. One at Auburn was advocated because it was the center of population of the county and afforded access to water transportation. A second place suggested was the geographical center of the county about two and one-half miles north of Oskaloosa, but this was objected to "as inaccessible, and of bad physical location". The third place which was known as "The Narrows" was the final choice. It is said that before the county was settled, "this point could be seen for twenty miles as the pioneer approached it from the southeast, and the ridge lined on either side by the timber skirting the bordering streams, looked like one long vista, with a gateway of green at the limit of vision". As this watershed was the great highway of travel between points on the Mississippi and Missouri rivers, the selection was a fortunate one.

A name for the newly selected county seat was not designated by the locating commissioners. They suggested the name of Oskaloosa, but there was some preference for the name Mahaska, and the matter was left to the board of county commissioners. At an early meeting of this board the name of Oskaloosa was officially adopted. The records do not show that any attempt has ever been made to secure a relocation.¹³⁰

Marion County.—On June 10, 1845, a law was passed which established the boundaries of Marion County and also provided for its organization. By the terms of this law Ezra M. Jones of Van Buren County, Joseph M. Robertson of

¹²⁹ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 131; *Laws of the Territory of Iowa, 1843-1844*, pp. 85-89.

¹³⁰ *History of Mahaska County, Iowa* (1878), pp. 267-269.

Scott County, and James M. Montgomery of Wapello County were named as commissioners to locate the county seat. They were authorized to meet at the house of William Stanley on the second Monday in August, or later during the same month, subscribe to an oath, and enter upon their duty as prescribed by law.¹³¹

On August 16, 1845, Joseph M. Robertson and James M. Montgomery, two of the commissioners, met and after spending a week in examining several proposed sites the present location of the town of Knoxville was chosen. At this time the land selected was occupied as a claim by L. C. Conrey, who surrendered his title without compensation for the benefit of the county, although the land still remained the property of the Federal government. It was thought that enough funds could be realized from the sale of lots to pay for the land. The sales, however, did not meet these expectations, and so at the January session in 1847, the county commissioners authorized Thomas Pollock to borrow \$200 with which to make entry on the land. This loan could not be obtained. A little later, however, a man from Fairfield entered the land for the county and through him Marion County obtained title to the county seat location. Knoxville is located near the center of the county and this fact has enabled it to retain the county seat to the present time.¹³²

Marshall County.— Marshall County was one of a group of twelve counties which was established on January 13, 1846. By an act of legislation passed on January 21, 1851,¹³³ B. B. Berry of Mahaska County, Manly Gifford of Jasper County,

¹³¹ *Laws of the Territory of Iowa*, 1845 (Extra Session), pp. 93-96.

¹³² Wright's *History of Marion County, Iowa*, Vol. I, pp. 74-76.

¹³³ *Laws of the Territory of Iowa*, 1845-1846, p. 74; *Laws of Iowa*, 1850-1851, p. 48.

and W. W. Miller of Dallas County were appointed commissioners to locate the county seat. Two of these men, Manly Gifford and W. W. Miller, met and agreed upon a location and gave it the name of Marietta. This site was chosen because of its nearness to the center of the county, and more especially because of its surrounding timber, which would furnish fuel and building material for the settlers. Soon after the location was selected town lots were sold and with the proceeds a courthouse was erected.

In 1851 Henry Anson came from New York and built the first cabin erected at Marshalltown, while about this time the towns of Lafayette and Le Grand were also platted. As these towns developed, each became a rival of Marietta for the honors of the county seat.

This agitation became strongest in Marshalltown — or Marshall as it was then called. Indeed, the demand for a removal became so strong that in April, 1856, the question was submitted to a vote of the people. The result, however, was a majority of 134 votes in favor of retaining the location at Marietta.

But the results of this election were not taken as final. The citizens of Marshall might disagree upon questions of State and national concern, but upon local questions and especially upon the question of securing the county seat they were united. In a short time, they circulated a petition for another election, which they succeeded in obtaining for April 5, 1858. Before this date arrived, the citizens of Marshall had erected a courthouse of brick and stone, forty by sixty feet in dimensions and two stories high. This was to be the property of the county free of cost, if the county seat were removed to that place. Much interest was manifested on both sides in the contest and both towns were confident of success.

When the canvassers made their returns after the elec-

tion they announced that Marietta had received a majority of fifty-seven votes. In obtaining this result, however, the votes from three townships had been discarded, because of the fact that no evidence appeared that the judges and clerks of the election in these townships were sworn. As a result of this count, Marietta was declared to be the county seat. Had all of the returns been counted Marshall would have had a majority of one hundred and five votes.

Legal proceedings were at once instituted to secure a count of all the votes and to have Marshall declared the county seat. This case went to the Supreme Court, where the interests of the Marshall faction were presented by William Penn Clarke, H. C. Henderson, and William P. Hepburn. The Supreme Court affirmed the decision of the lower court in holding that it is the duty of canvassers of election returns to receive and count the returns leaving all questions of their sufficiency or validity to another tribunal.¹³⁴ In accordance with this decision an order was issued that all of the votes be counted. In making this recount two of the canvassers disobeyed at least the intent of the order, for they decided that the returns had not been received from the three townships in question. Thus the second count was a repetition of the first with Judge William C. Smith of Marietta, one of the canvassers, dissenting. Accordingly Marietta was again declared to be the county seat.

Immediately following this announcement some of the citizens of Marshall devised a shrewd plan to accomplish their purpose. G. M. Woodbury visited Judge Smith at his office in Marietta and invited him to a reception soon to be held at Marshall. During his visit Mr. Woodbury secured the judge's seal and with it stamped a blank sheet of paper.

¹³⁴ *The State of Iowa ex rel. Rice v. The County Judge of Marshall County*, 7 Iowa 186, at 199.

When the judge came to Marshall he was received by a large delegation, including two justices of the peace. By means of persuasion and intimidation the judge was forced to join with the two justices of the peace in another recount of the votes of the previous election and to issue upon the sheet of paper bearing his seal an order for a removal of the county seat to Marshall.

When it was learned that the judge had acted under threats of personal violence steps were taken by the citizens of Marietta to restrain the removal. Thus again Marietta retained the county seat. Judge Smith thinking that the matter might be best settled by building a new courthouse at Marietta now entered into a contract with William Dishon to erect a building and issued bonds for the payment of the same. This was met by an injunction, secured by the citizens of Marshall, restraining the sale or disposition of bonds and also the erection of the building.

Thus conditions remained until the summer of 1859 when nominations were made for county officers. The candidates were designated not as Republican and Democrat but as Marietta and Marshall. The former nominated Samuel Beeson for the office of county judge, while the latter supported William Battin. The election which followed gave the Marshall ticket a majority of thirty-five votes.

In the fall of 1859 two cases concerning this matter came before the Supreme Court. One of these decisions held that canvassers having rejected certain returns because of irregularities could not on a recount reject these as not being returns. The other decision held that until the matter of location was settled it was not proper to take any action toward erecting buildings.¹³⁵

In accordance with these two decisions the matter of

¹³⁵ Battin and Moserip's *Past and Present of Marshall County, Iowa*, Vol. I, pp. 130-152; *The State of Iowa ex rel. Rice v. Wm. C. Smith, County Judge of Marshall County*, 9 Iowa 334; *Rice v. Smith*, 9 Iowa 570.

building was delayed, and on December 29, 1859, there was a recount of all the votes cast at the election of April, 1858, and Marshall was declared to be the county seat. On the last day of the year, 1859, the safe and records of the county were loaded on an ox-sled and taken from Marietta to Marshall.

On Monday, January 2, 1860, the newly elected county officers assumed their duties at the new county seat. It would seem that the citizens of Marshall County would have had sufficient experience with county seat affairs to have avoided any further contest. But such was not the case. A few days after the new officers were installed a petition was circulated asking the county judge to call an election on the question of making Albion the county seat.

This proposal led to another extended contest relative to the legality of the signatures on the petition and the remonstrance. Many additions and corrections were made to both of these. The result, however, was that the remonstrance was left with five more names than the petition. Thus the calling of another election was avoided, and the county seat remained at Marshall.

In May, 1863, the name of Marshall was changed to Marshalltown. Since that date Marshalltown has remained the county seat, and its right to that position is no longer questioned.¹³⁶

JACOB A. SWISHER

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

¹³⁶ Battin and Moserip's *Past and Present of Marshall County, Iowa*, pp. 101, 130-152; Briggs's *William Peters Hepburn*, pp. 29-35.

SOME PUBLICATIONS

A History of Agriculture in Wisconsin. By Joseph Schafer. Madison: The State Historical Society of Wisconsin. 1922. Pp. 212. Plates, maps. This volume is the first in the *General Studies* of the *Wisconsin Domesday Book*. Its purpose, as indicated by the author, is two-fold: to serve as a general introduction to the *Town Studies* of the *Wisconsin Domesday Book*, and to give a tentative sketch of the history of agriculture in Wisconsin. The first chapter of the book describes the land of Wisconsin and the influence of its geographic features upon early settlement in the State. A discussion of the early settlements and pioneer conditions is followed by chapters on wheat farming, diversified farming, improved livestock, and lumbering and farming. Particular emphasis is placed on the agricultural revolution by which Wisconsin became a leader in the dairy industry. An interesting description of farm life in Wisconsin with particular emphasis on the interval between universal wheat growing and universal dairying completes the history of agriculture.

An appendix entitled *A Census of Old Homesteads* edited by Edna Louise Jacobson contains a partial list of Wisconsin farms, sixty years old or more, which are still in the families of men and women who first settled upon them. A carefully compiled index completes the volume.

The pleasant style of the author, the wise selection of material, and a wealth of maps and illustrations make this volume a worthy addition to the excellent publications of the State Historical Society of Wisconsin.

Tennessee The Volunteer State 1769-1923. By John Trotwood Moore and Austin P. Foster. Chicago: S. J. Clarke Publishing Company. 1923. Pp. Vol. I, 982; Vol. II, 912; Vol. III, 944; Vol. IV, 944. Plates. Volume I of this set is devoted to a survey of Tennessee history divided into periods. Period one covers the

story of Tennessee prior to its admission as a State. Period two traces the history of Tennessee from its admission as a State to the Constitutional Convention of 1834. Period three covers the period from 1834 to 1870, and is known as the period of internal progress. Period four begins with the adoption of the Constitution of 1870 and traces the history of Tennessee from that date to the present time. The appendix includes the *Petition of Watauga Association to be Annexed to North Carolina*, *The Constitution of Tennessee — 1796*, *The Constitution of Tennessee — 1834*, and *The Constitution of Tennessee — 1870*. An index completes the volume.

Volumes II, III, and IV consist of biographical sketches of Tennessee citizens, with a separate index for each volume.

The volumes are attractively printed and bound and the illustrations are effective.

The Outlaws of Cave-in-Rock. By Otto A. Rothert. Cleveland: Arthur H. Clark Company. 1924. Pp. 364. Plates. The purpose of this volume is to give the story of Cave-in-Rock on the lower Ohio River, and to present an account of the most notorious highwaymen and river pirates who in the early days of the Middle West filled this region with alarm and terror by their deeds and exploits. Cave-in-Rock became the natural and safe hiding-place for the pirates who preyed upon the flatboat traffic as well as a refuge for the highwaymen who infested the old Natchez Trace and other land trails north and south.

An excellent description of Cave-in-Rock as it appears to-day begins the narrative under the title, *The Lair of the Outlaws*. There follows an extended account of the Harpes, arch-criminals, who terrorized Kentucky and Tennessee with their murders. The story of Samuel Mason, soldier of the Revolutionary War, pirate, and highwayman, and of James Ford, man of mystery, occupy a considerable portion of the narrative. Other topics treated in this volume are counterfeiting at the Cave and Cave-in-Rock in fiction.

A bibliography of manuscript sources, another of printed sources, a list of libraries consulted in collecting data for the narrative, and an index complete the book. The volume is attractively bound and printed.

The January number of *History* contains a short article on *The Centenary of Francis Parkman*, by Basil Williams.

Mandan and Hidatsa Music, by Francis Densmore, appears as Bulletin No. 80 of the Bureau of American Ethnology.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* contains a monograph by W. Reed West entitled *Contemporary French Opinion on the American Civil War*.

President Monroe and His Message of December 2, 1823, an address by R. Walton Moore, is one of the contributions to the January issue of *Tyler's Quarterly Historical and Genealogical Magazine*.

Blockade Running During the Civil War, by Francis B. C. Bradlee, and installments of *Salem Vessels and Their Voyages*, by George Granville Putnam, *Salem and the War of 1812*, by William Dismore Chapple, and *Forty Years Ago in Salem*, a diary by Francis H. Lee, are four papers in the January number of *The Historical Collections of the Essex Institute*.

The January issue of *Americana* contains three articles: *York, Canada, in the War of 1812*, by Jesse Edgar Middleton; *German Pioneers of Pennsylvania, Lancaster County*, by George W. Richards; and *The Foundation in Virginia*, by Alton B. Parker.

George Bird Grinnell is the author of a two volume work entitled *The Cheyenne Indians, Their History and Ways of Life*. Some of the chapter headings — Early Cheyenne History, Village Life, Social Organization, The Boy and the Girl, Woman and Her Place, Industries, Games and Amusements, Subsistence and Hunting, and Tribal Government — indicate the scope of Volume I. The second volume deals with war, religious beliefs, medical treatment, and ceremonials. The volumes contain numerous illustrations and an index to both volumes is provided at the close of Volume II.

Agricultural Organization in the United States, by Edward Wiest, has recently been published as Volume II of *The University of Kentucky Studies in Economics and Sociology*. The United States Department of Agriculture, its work, and its various bu-

reaus, the land grant colleges, State experiment stations, agricultural education under the Smith-Hughes Law, and State departments of agriculture are the subjects discussed in Part I, relating to public organizations. Part II contains an account of the various private associations relating to agriculture — State and national agricultural societies, the Grange, the Farmers' Alliance, the Farmers' Union, the American Farm Bureau Federation, breed associations, and other voluntary organizations of the farmers.

WESTERN AMERICANA

Damming the Red River of the North, by Elwyn F. Chandler, is one of the articles in *The Quarterly Journal of the University of North Dakota* for January.

The Journal of History for January contains an article on *Saint Louis in the Early History of the Church*, by Samuel A. Burgess, and a continuation of *John J. Cornish*, an autobiography.

The Louisiana Constitutional Conventions of 1913 and 1921, by Theodore G. Gronert, and *Oklahoma's Dramatic Year*, by Miriam E. Oatman, are two of the papers in the March issue of *The South-western Political and Social Science Quarterly*.

Mary Carson Darlington is the collector and editor of the *History of Colonel Henry Bouquet and the Western Frontiers of Pennsylvania, 1747-1764*, which contains much valuable material relating to the early western movement.

Lincoln at Beloit in 1859, by Stanley E. Lathrop, *Abraham Lincoln*, by George P. Hambrecht, *Oblivion — The Reward of Our First Governor*, by Doris M. Berning, and *The Legend of Devils Lake*, by Aloysius Thiemann, are some papers of historical interest in *The Wisconsin Magazine* for January-February, 1924.

The First White Woman in the Black Hills, a story told by Mrs. Annie D. Tallent and edited by O. W. Coursey, has recently appeared in book form. This is made up of selected stories from a larger volume — *The Black Hills, or Last Hunting Grounds of the Dakotas*, written by Mrs. Tallent. The volume is a popular account of the expedition from Sioux City, Iowa, into the Black Hills.

IOWANA

D. S. Fairchild contributes an article on *Insane Hospitals* to *The Journal of the Iowa State Medical Society* for February, 1924. This is a part of the series on the *History of Medicine in Iowa*.

Iowa and the Secession of the South, by Charles Rollin Keyes, has been reprinted in pamphlet form from the *Pan-American Geologist*, Volume XXXVIII.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Anderson, Walfred Albin,

The Granger Movement in the Middle West With Special Reference to Iowa (The Iowa Journal of History and Politics, January, 1924).

Betts, George Herbert,

The Mind and Its Education. New York: D. Appleton & Co. 1923.

Blackmar, Beatrice,

The Man Who Knew Women (Pictorial Review, January, 1924).

Brookhart, Smith Wildman,

Government Aid for Cooperative Marketing (Proceedings of the Academy of Political Science in the City of New York, January, 1924).

Brown, Bernice,

The Book of the American Indian (Ladies' Home Journal, February, 1924).

Brown, Charles Reynolds,

Why I Believe in Religion. New York: Macmillan Co. 1924.

Busse, Florence,

Salads for Spring (People's Popular Monthly, March, 1924).

Catt, Carrie Chapman,

What Has Become of the Court (Woman Citizen, January 12, 1924).

Craig, Hardin,

Notes from a Wilson Note-Book (The Iowa Alumnus, February 18, 1924).

Crawford, B. V.,

Teaching by Dialogue (Philological Quarterly, January, 1924).

Crawford, Nelson Antrim,

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The Outlook for a Permanent Solution of the Coal Problem in the United States (Proceedings of the Academy of Political Science in the City of New York, January, 1924).

Donovan, Josephine Barry,

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Eriksson, Erik McKinley,

The Framers of the Constitution of 1857 (The Iowa Journal of History and Politics, January, 1924).

A Tribune of the People (The Palimpsest, February, 1924).

Evans, William D.,

Silas Matteson Weaver (Iowa Law Bulletin, January, 1924).

Farran, Don W.,

Gypsy Folk (poem) (Des Moines Register, February 24, 1924).

Wanderer (poem) (Overland Monthly, February, 1924).

Ferber, Edna,

Our Very Best People (Cosmopolitan, March, 1924).

So Big. Garden City, N. Y.: Doubleday Page & Co. 1924.

Field, Mildred Fowler,

The Sculptor (poem) (Des Moines Register, January 6, 1924).

Frederick, John T., editor

Stories from the Midland. New York: Alfred A. Knopf. 1924.

Gjerset, Knut,

History of Iceland. New York: Macmillan Co. 1924.

- Griffith, Helen Sherman,
Why Virginia. Philadelphia: Penn Pub. Co. 1924.
- Haines, Ella Wister,
Friendly Folks (People's Popular Monthly, March, 1924).
- Henderson, Rose,
A Song of Death (poem) (Des Moines Register, January 20, 1924).
- Holbrook, Weare,
Many Happy Returns (Smart Set, January, 1924).
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- Hough, Emerson,
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- Hueston, Ethel,
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- Hurd, R. C.,
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- Hutchinson, Woods,
Building Strong Bodies. Boston: Houghton, Mifflin & Co. 1924.
- Jones, Henry Craig,
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- Kantor, MacKinlay,
The Dream by the River (poem) (Outdoor America, February, 1924).
The Waters of the Winneshiek (poem) (Outdoor America, November, 1923).
- Keyes, Charles Rollin,
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- Lyon, Bessie L.,
Grandmother's Story (The Palimpsest, January, 1924).

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- Mott, Frank Luther,
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- Nelson, Charles Broun,
North Wind (poem) (All's Well, December, 1923).
- Nichols, James T.,
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- Parker, Addison M.,
Grandfather's Adventure (The Palimpsest, January, 1924).
- Piper, Edwin Ford,
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Low Voices (poem) (Des Moines Register, February 3, 1924).
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- Preus, Jacob A. O.,
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- Regier, C. C.,
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- Robeson, George F.,
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- Rosenbaum, Benjamin,
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Two District Conventions (The Palimpsest, February, 1924).
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SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Iowa's mild winter in 1855, in the *Fort Dodge Messenger*, December 5, 1923.

Statue of Chief Mahaska erected in an Oskaloosa park, in the *Woodbine Times*, December 6, 1923.

A land grant of 1849, in the *Osceola Sentinel*, December 6, 1923.

New Melleray Abbey near Dubuque, by Maud M. Conley, in the *Cedar Rapids Gazette*, December 7, 1923.

Relief work among pioneers of Iowa, in the *Davenport Times*, December 11, 1923.

Sketch of the life of M. T. Grattan, in the *Decorah Journal*, December 12, 1923.

Moving the capital to Des Moines, in the *West Union Union*, December 13, 1923.

Childhood experiences in early Iowa, by Mrs. J. H. Young, in the *Pella Chronicle*, December 13, 1923.

Red River settlers, by Mrs. D. O. Sinclair, in the *Monticello Express*, December 13, 1923.

Davenport in 1856, in the *Davenport Democrat*, December 14, 1923.

Sketch of the life of Margaret Davaney, in the *Cascade Pioneer*, December 14, 1923.

Land marks and land titles, in the *Manson Journal*, December 14, 1923.

Sketch of the life of L. F. Danforth, in the *Lake City Graphic*, December 14, 1923.

Mrs. John Beck recalls pioneer days in Sioux City, by Gertrude Henderson, in the *Sioux City Journal*, December 15, 1923.

Sketch of the life of Mrs. I. J. McDuffie, in the *Le Mars Sentinel*, December 18, 1923.

Sketch of the life of Augusta Stone, in the *Burlington Hawk-Eye*, December 19, 1923.

Early days in Sioux City, by C. R. Marks, in the *Sioux City Journal*, December 19, 1923.

Prehistoric animals in Iowa, in the *Knoxville Journal*, December 20, 1923.

Civil War diary found at Burlington, in the *Newton Record*, December 20, 1923.

Early days in Lyon County, by F. M. Thompson, in the *Rock Rapids Reporter*, December 20, 1923.

Forty years ago in Emmet County, in the *Estherville Democrat*, December 21, 1923.

Sketch of the life of William E. ("Let er Go") Gallagher, in the *Davenport Democrat*, December 21, 1923.

Jefferson fifty-two years ago, in the *Jefferson Bee*, December 26, 1923.

Sketch of the life of E. N. Bailey, in the *Waukon Standard*, December 26, 1923.

How Iowa's Law Library started, in the *Council Bluffs Nonpareil*, December 27, 1923.

Pioneer times in Iowa, by J. B. Mark, in the *Muscatine Herald*, December 27, 1923.

Old days in Calhoun County, by T. R. Moore, in the *Manson Journal*, December 27, 1923.

Sketch of the life of L. A. Berryhill, in the *Keokuk Gate City*, December 28, 1923.

Iowa 77 years old, in the *Davenport Democrat*, the *Marshalltown Times-Republican*, and the *Des Moines Capital*, December 28, 1923.

Chief Red Wolf visits Centerville, in the *Centerville Iowegian*, December 29, 1923.

Memories of an old settler, by J. B. Mark, in the *Muscatine Journal*, December 29, 1923.

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Pioneer log cabin removed to Webster City, in *Webster City News*, December 31, 1923.

The Halfbreed Tract, in the *Clinton Herald*, January 1, 1924.

Sources of names of Iowa towns and counties, in the *Muscatine Journal* and the *Davenport Democrat*, January 1, 1924, the *Council Bluffs Nonpareil*, January 2, 19, 1924, and the *Mason City Gazette*, January 21, 1924.

Sketch of the life of Edwin Henshaw, pioneer of southwestern Iowa, in the *Clarinda Journal*, January 1, 1924.

Beginnings of Iowa, in the *Dubuque Herald*, January 2, 1924.

Early Warren County history, in the *Indianola Herald*, January 3, 1924.

A tourist in 1864, in the *Keota Eagle*, January 3, 1924.

An early British emigrant near Davenport, in the *Davenport Democrat*, January 3, 1924.

Pioneer days in Calhoun County, in the *Manson Journal*, January 3, 1924.

An old newspaper found in Cedar Rapids, in the *Cedar Rapids Gazette*, January 8, 1924.

Pioneering in Iowa, 1837-1838, in the *Indianola Record*, January 9, 1924.

Early Indian days in Greene County, by Walter Lovejoy, in the *Jefferson Bee*, January 9, 1924.

Des Moines in 1865, in the *Des Moines Register*, January 10, 1924.

Men who helped make Parkersburg, in the *Parkersburg Eclipse*, January 10, 1924.

St. Charles in early days, in the *St. Charles News*, January 10, 1924.

Historical sketch, by E. E. Sherman, in the *Keosauqua Barometer*, January 10, 1924.

Coming of the pioneers to Marion County, by John W. Wright, in the *Knoxville Journal*, January 10, 1924.

Sketch of the life of Nelson Bacon, Calhoun County pioneer, in the *Manson Journal*, January 10, 1924.

Hard times in the seventies, in the *Waterloo Courier*, January 12, 1924.

Eventful days in Des Moines of yesteryear, in the *Des Moines Register*, January 13, 1924.

Early days in McGregor, in the *Dubuque Journal*, January 16, 1924.

Early Iowa recalled, by Mary Converse, in the *Logan Observer*, January 17, 1924.

Early day history, in the *Jefferson Bee*, January 17, February 20, 27, 1924.

The early days of Buckhorn, by Mrs. F. V. Burleson, in the *Maquoketa Excelsior*, January 18, 1924.

Four Civil War nurses in Iowa, by Orpha B. Turner, in the *Des Moines Register*, January 20, 1924.

How Muscatine received its name, in the *Davenport Democrat*, January 20, 1924.

Sketch of the life of Captain L. B. Blinn, in the *Cedar Rapids Republican*, January 20, 1924.

Pioneer days in Creston, in the *Creston Advertiser*, January 22, 1924.

Early days in Grundy County, in the *Grundy Center Register*, January 24, February 21, 1924.

Pioneer life in Audubon County, by F. M. Carpenter, in the *Audubon Republican*, January 24, 1924.

Pioneers of Calhoun County, in the *Manson Journal*, January 24, 1924.

Early days in Winnebago County, by C. D. Smith, in the *Mason City Gazette*, January 24, 1924.

Reminiscences of Dubuque County, by Richard F. Curren, in the *Dubuque Telegraph-Herald*, January 27, 1924.

Iowa Indians and peace, by Charles Keyes, in the *Des Moines Register*, January 27, 1924.

Sketch of the life of Judge C. M. Waterman, in the *Davenport Democrat*, January 28, 1924.

The beginnings of Iowa, in the *Keokuk Gate City* taken from the *Dubuque Telegraph-Herald*, January 29, 1924.

Reminiscences of an old settler, in the *Cascade Pioneer* from the *Dubuque Telegraph-Herald*, January 30, 1924.

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Sketch of the life of Captain Billy Bledsoe, famous riverman, in the *Burlington Saturday Evening Post*, February 2, 1924.

The old Des Moines Rapids Canal, by F. A. Whitney, in the *Burlington Saturday Evening Post*, February 2, 9, 16, 23, March 1, 8, 1924.

Pioneer days, by J. Luebke, in the *Manson Journal*, February 7, 1924.

Early history of Jefferson and Grand Junction, by J. E. Copeland, in the *Grand Junction Globe*, February 7, 1924.

Sketch of the lives of Mr. and Mrs. John F. Grace, in the *Glidden Graphic*, February 7, 1924.

A collection of old newspapers, in the *Webster City Journal*, February 8, 1924.

Sketch of the life of Fred Kneeb, veteran race horse owner, in the *Sioux City Journal*, February 10, 1924.

Denmark Academy, in the *Burlington Hawk-Eye*, February 10, 1924.

The Republican platform of 1860, in the *Des Moines Register*, February 10, 1924.

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An old fashioned blizzard, in the *Grinnell Register*, February 11, 1924.

Sketch of the life of Captain B. F. Crail, in the *Burlington Gazette*, February 11, 1924.

Pioneer history of Moulton, by Luella Wood McKenzie, in the *Centerville Iowegian*, February 12, 1924.

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Eli Perkins and the Old Iowa Central, in the *Marshalltown Times-Republican* and the *Waterloo Courier*, February 16, 1924.

Early history of Avoca, in the *Avoca Journal-Herald*, February 14, 1924.

Items of Washington County history, in the *Washington Journal*, February 16, 1924.

Intimate glimpses of the early life of Buffalo Bill, by Joseph Barnes, in the *Davenport Times*, February 16, 1924.

The Scotch settlement near Traer, in the *Cedar Rapids Republican*, February 17, 1924, and the *Waterloo Tribune*, March 2, 1924.

A rare collection of coins, in the *Ottumwa Courier*, February 20, 1924.

Pioneers of Davis County, in the *Bloomfield Democrat*, February 21, 1924.

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An Iowa survivor of the gold rush, in the *Mason City Gazette*, February 23, 1924.

Story of the Quaker folk at Whittier, by Lillie Young McKinney, in the *Burlington Hawk-Eye*, February 24, 1924.

Heirlooms in Cedar Rapids, by Belle Bever, in the *Cedar Rapids Republican*, February 24, 1924.

Mt. Pleasant in the eighties, in the *Mt. Pleasant News*, February 25, 1924.

Early memories of Bellair Township, in the *Centerville Iowegian*, February 25, 1924.

Sketch of the life of Judge Henry T. Reed, in the *Decorah Republican*, February 28, 1924, and the *Cresco Plain Dealer*, February 29, 1924.

Early history of Calhoun County, by Mack Easton, in the *Manson Journal*, February 28, 1924.

Sketch of the life of Cilo Chesterman, in the *Sioux City Tribune* and the *Sioux City Journal*, February 28, 1924.

A bit of ancient history, in the *Logan Observer*, February 28, 1924.

Experiences of Mrs. M. A. Cook of Davenport as Indian captive in the West, in the *Davenport Democrat*, March 2, 1924.

A Dubuque directory of 1870, in the *Dubuque Telegraph-Herald*, March 2, 1924.

Story of gold buried in Worth County or Cerro Gordo County, by Thomas Nelson, in the *Cedar Rapids Republican*, March 2, 1924.

Sketch of the life of John Wilson, in the *Waterloo Tribune*, March 2, 1924.

Early days in Washington, in the *Washington Journal*, March 4, 1924.

Sketch of the life of Mrs. Henry Karwath, oldest native resident of Davenport, in the *Davenport Times*, March 4, 1924.

Reminiscences of Appanoose County, by W. G. Davis, in the *Centerville Iowegian*, March 4, 1924.

Early newspaper items in Greene County, in the *Jefferson Bee*, March 5, 1924.

U. S. Grant in Decorah, in the *Decorah Journal*, March 5, 1924.

The coming of the pioneers to Marion County, by John W. Wright, in the *Knoxville Journal*, March 6, 1924.

How God made Iowa, a tribute by Henry Wallace, in the *Glidden Graphic*, March 6, 1924.

Women's work in pioneer days, in the *Manson Journal*, March 6, 1924.

Sketch of the life of John Ankeny, in the *Clinton Herald*, March 7, 1924.

Rafting on the Mississippi River, by Harry G. Dyer, in the *Burlington Saturday Evening Post*, March 8, 1924.

History of Lockridge, in the *Fairfield Ledger*, March 10, 1924.

The courthouses of Lucas County, in the *Chariton Leader*, March 11, 1924.

Reminiscences of pioneer days at Horton, by W. C. Lovejoy, in the *Waverly Democrat*, March 13, 1924.

HISTORICAL SOCIETIES

PUBLICATIONS

Numismatics of Massachusetts, by Malcolm Storer, appears as Volume LXXVI of the *Massachusetts Historical Society Collections*.

Judge James Lockhart, a monograph by George R. Wilson, has been published as the first number of Volume VIII of the *Indiana Historical Society Publications*.

Jacob A. O. Preus is the author of a biographical sketch entitled *Knute Nelson* which appears in the *Minnesota History Bulletin* for February. In addition there are two letters from former Senator Nelson.

The January number of the *Chicago Historical Society Bulletin* contains a short paper on *Father Allouez*. In the issue for February there is an address by Frank G. Logan on *The Abraham Lincoln-John Brown Collection*.

The Virginia Magazine of History and Biography for January contains an installment of *Virginia Council Journals, 1726-1753*, and a short account of *The Proposed Expedition Against Detroit, 1778*, by David I. Bushnell, Jr.

The Emancipation of Slaves in New Jersey, by D. H. Gardner, and *The Aboriginal Inhabitants of Monmouth County*, by Charles A. Philhower, are two of the articles in the *Proceedings of the New Jersey Historical Society* for January.

The *Tennessee Historical Magazine* for January, 1922, issued in February, 1924, contains the following articles: "*Who Is James K. Polk?*", by Thomas Robson Hay; *Governor Joseph Duncan of Illinois*, by Elizabeth Duncan Putnam, and a continuation of *The Economic and Social Beginnings of Tennessee*, by Albert C. Holt.

The January number of the *Western Pennsylvania Historical Magazine* contains two articles — *Francis Parkman*, by John W. Oliver, and *Echoes of Early Brownsville*, by Edmund Hayes Bell. There is also *An Old Letter on Episcopalianism in Early Western Pennsylvania*, and a continuation of *The First Convention of the American Federation of Labor, Pittsburgh, Pennsylvania, November 15th-18th, 1881*.

The North Carolina Historical Commission has begun the publication of a quarterly periodical called *The North Carolina Historical Review*. The first number, issued in January, 1924, contains the following articles and papers: *Walter Hines Page — Memorial Address*, by Albert Shaw; *The War Savings Campaign in 1918*, by Gilbert T. Stephenson; and the *Diary of Colonel Joseph Hyde Pratt, Commanding 105th Engineers, A. E. F.*

American Historical Activities During the World War, edited by Newton D. Mereness, has been reprinted from the *Annual Report of the American Historical Association* for 1919. This includes a survey of the historical work relating to the World War carried on in the United States as a whole and in the individual States.

The Tercentenary of a Great Failure, by Herbert H. Gowen, *Journals of the Indian War of 1855-1856*, by J. Orin Oliphant, *Frederick Homer Balch*, by Delia M. Coon, *Idaho Pioneer of 1864*, by Mrs. James D. Agnew, *Reminiscences of Delia B. Sheffield*, by William S. Lewis, and more of *The Nisqually Journal*, edited by Victor J. Farrar, are the chief contributions to *The Washington Historical Quarterly* for January.

The January number of the *Quarterly Bulletin of the Historical Department of Wyoming* contains a biographical sketch of James Bridger, by Grenville M. Dodge, reprinted from a pamphlet, and *Girlhood Recollections of Laramie in 1870 and 1871*, by Nancy Fillmore Brown. There are also some short reminiscences, letters, and a constitution suggested for the organization of the State and local historical societies.

Warren Gamaliel Harding, by C. B. Galbreath, *Daniel Joseph*

Ryan, also by Mr. Galbreath, *The Town of Tallmadge — The Bacons and Shakespeare*, by T. C. Mendenhall, and *Cornstalk, the Indian Chief*, by Mrs. Orson D. Dryer, are the chief contributions to the *Ohio Archaeological and Historical Quarterly* for October, 1923. This number also contains a report of the thirty-eighth annual meeting, held at Columbus, Ohio, on September 19, 1923.

Personal Recollections of Distinguished Missourians — Thomas H. Benton, by Daniel M. Grissom, *The Model Farm of Missouri and Its Owner*, by Jane Harris Rogers, *Some Aspects of the Santa Fe Trail, 1848-1880*, by Ralph P. Bieber, *The Holt County Sentinel — A Chronicle of Local History*, by Elizabeth Spencer, *The Missouri Pacific, 1879-1900*, by R. E. Riegel, *The New Journalism in Missouri*, by Walter B. Stevens, and continuations of *The Followers of Duden*, by William G. Bek, and *Shelby's Expedition to Mexico*, by John N. Edwards, are the articles and papers in the January issue of *The Missouri Historical Review*.

The January number of *The Colorado Magazine* contains a notice of the proposed celebration of Colorado's fiftieth anniversary as a State, to be celebrated August 1, 1926. There is, in addition, an article by A. J. Fynn entitled *A Side Glance at Early Colorado History*, an interview with Dan O'Connell by Thomas F. Dawson under the heading *An Old-Time Prospector*, and a continuation of *Further Archaeological Research in the Northeastern San Juan Basin of Colorado, During the Summer of 1922*, by J. A. Jeancon and Frank H. H. Roberts.

The Transactions of the Illinois State Historical Society for 1922 contains the following papers and addresses: *Promotion of Historical Study in America Following the Civil War*, by James A. Woodburn; *A Neglected Episode in the Life of Abraham Lincoln*, by James Shaw; *On and About the National Road in the Early Fifties*, by Charles B. Johnson; *The Illinois Historical Collections*, by Theodore Calvin Pease; *James T. Gifford and the Founding of Elgin, Illinois*, edited by Stella Davidson Ainsworth; *The Moravian Settlement in Illinois*, by Albert P. Hauptert; and *The French in Illinois*, by Francis X. Busch.

Sketch of the Life of Julia Anne King, by Ada A. Norton, *Place Names of Berrien County*, by George R. Fox, *Frank Dwight Baldwin, M. H.*, by Sue Imogene Silliman, and *Impressions of Detroit, 1837*, reprinted from Mrs. Jameson's *Winter Studies and Summer Rambles*, are the articles and papers in the January issue of the *Michigan History Magazine*. The number contains a series of definitions of pioneers and the pioneer period submitted by various people in response to the question, "Who is a pioneer, when did the pioneer period begin in Michigan, and when did it end?"

The March number of *The Wisconsin Magazine of History* contains the following papers and addresses: *Francis Parkman, 1823-1823*, by Joseph Schafer; *The Story of the Propeller "Phoenix"*, by William O. Van Eyck; *Albion Academy*, by J. Q. Emery; *A Wisconsin Anabasis*, by Louise P. Kellogg; *Trempealeau: A French Outpost of the Seventeenth Century and a State Park Today*, one of the articles under *Historic Spots in Wisconsin*, by W. A. Titus; and *A Chippewa Good Samaritan*, by Osborn Strahl. Under the heading of *Documents* are included *Letters and Diary of Joh Fr. Diederichs*, translated by Emil Baensch.

The *Proceedings of the Fifth Annual Indiana History Conference* for 1923 contains a number of papers and addresses in addition to the usual report. Among the articles are the following: *Historical Documents as Symbols of Historic Ideas*, by A. L. Kohlmeier; *Prehistoric Man in the Ohio Valley*, by William C. Mills; *Progress in Teaching Indiana History and Local History in the Schools of the State*, by Herbert Briggs; *Baron DeKalb and His Hoosier Namesake*, by Clarence Green; *Some Unsolved Questions of Our Early History*, by Logan Esarey; *The Importance of Preserving Local Historical Facts*, by Harvey W. Wiley; *Importance and Possibilities of State Historical Museums*, by Charles E. Brown; *County Historical Museums*, by John A. Hibberd; *Early Indiana Days*, by Harvey W. Wiley; and *The Spirit of the Pioneer*, by Arthur Ball.

Volume fifteen of the *Collections of the Kansas State Historical Society* covers the years 1919 to 1922 and contains a large number

of papers and addresses. Among these are the following: *Albert Robinson Greene*, by William E. Connelley; *Major General James Guthrie Harbord*, by I. D. Graham; *Kansas as a State of Extremes, and Its Attitude During the World War*, by George P. Morehouse; *Bent's Old Fort and Its Builders*, by George B. Grinnell; *Religious Conceptions of the Modern Hurons*, by William E. Connelley; *Wyandot and Shawnee Indian Lands in Wyandotte County, Kansas*; *Kansas City, Kansas: Its Place in the History of the State*, by William E. Connelley; *The Coming of Prohibition to Kansas*, by Clara Francis; *The Development of Public Protection of Children in Kansas*, by Nina Swanson; *State Regulation of Woman and Child Labor in Kansas*, by Edith Hess; *Southern Interest in Territorial Kansas, 1854-1858*, by Elmer Le Roy Craik; *A Summary of the Achievements of the American Expeditionary Force in France, 1917-1919*, by McKinley W. Kriegh; *Early History of the Kansas Department, American Legion*, by Thomas Amory Lee; *Kansas Sixty Years Ago*, by Thomas F. Doran; *Sixteen Years on a Kansas Farm, 1870-1886*, by Anne E. Bingham; *Eleventh Indiana Cavalry in Kansas in 1865*, by Frank Doster; *Battle of the Arikaree*, by John Hurst and Sigmund Shlesinger; *The Last Battle of the Border War*, by Theodore Gardner; *My Story*, by Harry Jasper Harris; *Early History of the El Paso Line of the Chicago, Rock Island & Pacific Railway*, by Oliver Philip Byers; and *The Romantic Growth of a Law Court*, by James H. Lowell.

ACTIVITIES

The Kansas State Historical Society has recently issued its twenty-third biennial report.

The Indiana Historical Society held its annual meeting at Indianapolis on December 7, 1923. James A. Woodburn was elected president. J. P. Dunn was reëlected secretary and Charles E. Coffin treasurer. The executive committee appointed Evans Woolen first vice president and representative of the Society on the Indiana Historical Commission.

The seventeenth annual meeting of the Mississippi Valley Historical Association will be held at Louisville, Kentucky, on May 1-3,

1924, R. S. Cotterill of the University of Louisville is chairman of the committee on local arrangements, and Charles H. Ambler of the University of West Virginia is chairman of the program committee.

THE STATE HISTORICAL SOCIETY OF IOWA

The following persons have recently been elected to membership in the Society: Mr. Frank P. Ball, Fairfield, Iowa; Mr. C. M. Benedict, Des Moines, Iowa; Mrs. M. V. Bickel, Mason City, Iowa; Mr. Roy E. Curray, Cedar Rapids, Iowa; Mr. C. H. Currie, Webster City, Iowa; Miss Mary E. Dixon, Des Moines, Iowa; Mr. Harry D. Durham, Cedar Rapids, Iowa; Mr. John J. Dykstra, Hull, Iowa; Rev. Dr. John Dysart, Flint, Mich.; Mrs. Ivan Ellwood, Red Oak, Iowa; Mr. Joseph J. Flynn, Dubuque, Iowa; Rev. A. J. Foerster, Merrill, Iowa; Mr. E. W. Gray, Cedar Rapids, Iowa; Mrs. Harley Hoopes, Fairfield, Iowa; Mrs. J. H. Johnson, Riverton, Iowa; Rev. W. F. Mason, Boone, Iowa; Mr. John E. Nordskog, Ames, Iowa; Mr. J. W. Robinson, Muscatine, Iowa; Mr. P. Edward Sauerwein, Keokuk, Iowa; Rev. Joseph Schultes, Armstrong, Iowa; Mr. John Tjossem, Laurens, Iowa; Mr. David Turner, Cedar Rapids, Iowa; Mrs. D. Cyrus Wolf, Hampton, Iowa; Mrs. Chas. M. Young, Waterloo, Iowa; Mr. Dwight S. Buchtel, Clarinda, Iowa; Mrs. Donald E. Croyl, Iowa City, Iowa; Mrs. Doris N. Groves, Webster City, Iowa; Dr. C. A. Hurd, Northwood, Iowa; Mr. W. T. Janssen, Chapin, Iowa; Mrs. L. H. Ladd, Pomeroy, Iowa; Mrs. John F. Lake, Shenandoah, Iowa; Mrs. Elbert A. Read, Shenandoah, Iowa; Mr. W. T. Sands, Cedar Rapids, Iowa; and Mr. Lewis E. Wilson, Eagle Grove, Iowa.

NOTES AND COMMENT

The Iowa Conservation Association is making arrangements to erect a marker on the site where Joliet and Marquette first saw Iowa. The spot is in McGregor heights and the marker will probably be dedicated in August, 1924. The Association is also making an effort to mark the place at Spillville, Winneshiek County, where Anton Dvorak is said to have composed his "Humoresque" and part of his symphony "From the New World".

A meeting of former residents of Clayton County was held at the Auditorium at Des Moines on March 14, 1924. John G. Hempel of Elkader read a paper on the early history of Clayton County.

In connection with its summer session program, the State University of Iowa will hold a Commonwealth Conference at Iowa City on June 30 and July 1 and 2, 1924. The general theme of the conference will be Problems of the Electorate and various phases of the subject will be considered in round tables and lectures. All persons interested in problems of government are invited to attend the meetings which will be held in the historic Old Stone Capitol.

CONTRIBUTORS

CARL HERMAN ERBE, Research Assistant in The State Historical Society of Iowa. Born at McGregor, Iowa, on July 15, 1896. Received the B. A. degree from the Iowa State Teachers College in 1920. Superintendent of schools at Gladbrook, Iowa, from 1920 to 1922.

JACOB ARMSTRONG SWISHER, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1924, p. 160.)

THE STATE HISTORICAL SOCIETY OF IOWA

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THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE
IOWA JOURNAL
of
History and Politics

JULY 1924



Published Quarterly by
THE STATE HISTORICAL SOCIETY OF IOWA
Iowa City Iowa

EDITOR
BENJAMIN F. SHAMBAUGH

Vol XXII

JULY 1924

No 3

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THE IOWA JOURNAL OF HISTORY AND POLITICS

PUBLISHED QUARTERLY
AT IOWA CITY

SUBSCRIPTION PRICE: \$2.00 SINGLE NUMBER: 50 CENTS

Address all Communications to
THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE IOWA JOURNAL OF HISTORY AND POLITICS
JULY NINETEEN HUNDRED TWENTY-FOUR
VOLUME TWENTY-TWO NUMBER THREE

VOL. XXII—21

THE LOCATION OF COUNTY SEATS IN IOWA

[This is the third and final installment of the article on the location of county seats in Iowa, prepared by Jacob A. Swisher. The first section, containing an account of the counties from Adair to Clarke, inclusive, appeared in THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1924. The second installment, which covered the counties from Clay to Marshall, inclusive, was published in the April number.—THE EDITOR]

Mills County.—Mills County was established in 1851, and was organized the same year under the general law for the organization of counties. Instead of commissioners being appointed to select a site for the county seat, as was the case in most counties, the General Assembly passed a law which provided that the location should be at the town of Coonville, and by the terms of the same law the name of Coonville was changed to Glenwood.

This law provided, however, that the location at this point should be conditional upon the citizens conveying to the county certain lots located within the town, and that a tract of land containing at least two acres be given as a site for the location of county buildings. These conditions were evidently complied with, for Glenwood became the county seat, and has retained that position¹³⁷ There has, however, in recent years been some agitation for a removal of the county seat to Malvern, which is more nearly in the center of the county.

Mitchell County.—Mitchell County was established in 1851. It was for a time attached to Chickasaw County and was

¹³⁷ *Laws of Iowa, 1852-1853*, p. 25; *History of Mills County, Iowa* (1881), pp. 380-384, 559, 560.

organized under the general law for the organization of counties passed in 1853.¹³⁸

In January, 1855, John Harlow, Joseph B. Dolley, and John Banack were appointed commissioners to locate the county seat. They were authorized to meet at the house of C. L. Clanser on the first day of March or within sixty days thereafter and proceed to perform their duty. In compliance with this law they met and located the county seat at the town of Mitchell. Opposition arose to this location almost immediately, for in April of the following year — 1856 — a vote was taken upon the question of a removal to Osage, which resulted in favor of Osage. Mitchell contested the election on the ground that the court had granted the election illegally and gained a decision in the district court. Osage appealed the case to the Supreme Court, but pending the decision of the court a second commission was appointed by the legislature in 1857 to settle the matter.¹³⁹

These commissioners met in May and again in June, 1857, and agreed upon the location at Osage. This did not settle the question, however, for in April, 1860, the question was again voted upon resulting in a majority of sixty-nine votes in favor of Mitchell. In the following year — 1861 — still another vote was taken. According to a count of the canvassers Osage received a majority of nineteen votes in this election. The citizens of Mitchell were not satisfied with this count and secured an injunction restraining a removal of the records. This case went to the Supreme Court, where it was not finally adjudicated until the fall of 1870, when a decision was rendered in favor of Osage. Thereupon the records were removed to that place, where they remain.¹⁴⁰

¹³⁸ *Laws of Iowa*, 1850-1851, p. 37, 1852-1853, pp. 28, 29.

¹³⁹ *Laws of Iowa*, 1854-1855, p. 79, 1856-1857, pp. 258, 259; *History of Mitchell and Worth Counties, Iowa*, p. 146.

¹⁴⁰ *History of Mitchell and Worth Counties, Iowa* (1884), pp. 146, 147.

Monona County.—Monona County was established in 1851 and was later attached to Harrison County, under which it was organized in 1854. The first county business was transacted at the Mormon town of Preparation. Commissioners were soon chosen, however, and the town of Ashton was designated as the county seat. In 1857 the Mormon Land Company laid out the town of Onawa which soon aspired to county seat honors.¹⁴¹ In the spring of the following year a petition was presented to the county court asking for an order submitting to the qualified voters the question of removing the county seat to Onawa.

A remonstrance was also presented, but was of no avail, and Judge C. E. Whiting ordered that the question be voted upon the first Monday in April. This led to considerable excitement and opposition. H. J. Hawley, county clerk, certified that the petition asking for the election contained only 109 names, while the remonstrance contained 139. Notwithstanding this fact, and in the face of the opposition, the order of the county judge remained unaltered and the election occurred on the date designated. The result was that of the 229 ballots cast, 130 were in favor of locating the county seat at Onawa, and Judge Whiting ordered a removal of the offices to that place.

The following September a movement was started to secure a removal to the town of Belvidere. A petition asking for a vote upon this question was denied. In 1861, however, this question was voted upon, but the removal was defeated by a majority of fifteen, out of a total of two hundred and twenty-three votes. In 1862 an attempt was made to secure a removal to Arcola. This too was defeated by a vote of one hundred to one hundred and twenty-three. At a meeting of the board of supervisors held on June 6,

¹⁴¹ Gue's *History of Iowa*, Vol. III, pp. 389, 390; Tuttle's *An Illustrated History of the State of Iowa* (1876), p. 597; *Laws of Iowa, 1852-1853*, p. 23.

1889, a petition was presented asking for a vote upon the question of removing the seat of justice to East Mapleton. This was accompanied by a bond by a number of leading citizens guaranteeing the payment of \$25,000 to the county, in case the county seat were removed to that point. This stimulated the citizens of Onawa, who raised a fund of \$12,500, placing a certificate of deposit for the amount in the hands of the county auditor, to be given toward the erection of a new courthouse provided the county seat question were decided in their favor. The question came to a vote at the November election in 1889, and was decided in favor of Onawa by a majority of more than two hundred votes. No evidence appears of any further contest.¹⁴²

Monroe County.—Monroe County, formerly known by the name of Kishkekosh County, was established in 1843. Two years later, in June, 1845, a law was passed which provided for its organization. By the terms of this law James A. Galliher of Jefferson County, E. S. Rand of Van Buren County, and Israel Kister of Davis County were appointed commissioners to locate the county seat.¹⁴³

On the fifth day of August, 1845, the committee selected the site where the town of Albia now stands and gave it the name of Princeton. Scarcely had the selection been made, however, when the rival town of Clarksville began a contest for the county seat. A petition was circulated asking that a vote be taken upon the question of removing the county seat to that place. The petitioners said the location of Clarksville was superior to that of Princeton and that it was nearer the geographic center. To this a remonstrance was

¹⁴² *History of Monona County, Iowa* (1899), pp. 314, 315; Gue's *History of Iowa*, Vol. III, p. 390.

¹⁴³ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 132; *Laws of the Territory of Iowa, 1845* (Extra Session), pp. 103-106.

presented, setting forth that the land at Clarksville was rough and not well suited for a county seat, while that at Princeton was level and well adapted to such a purpose.

The petitioners succeeded in securing the larger number of signers, and an election was held in April, 1846. The result of this election was a majority of four votes in favor of retaining the location at Princeton. The name Princeton was subsequently changed to Albia and no change has been made in the location of the county seat.¹⁴⁴

Montgomery County.—Montgomery County was established in 1851 and on January 12, 1853, was temporarily attached to Adams County for revenue and judicial purposes.¹⁴⁵ The county was organized in 1853 under the provision of the general law for the organization of counties, which was passed that year. W. S. Townsend, R. B. Lockwood, and R. W. Stafford were appointed by the judge of the sixth judicial district as commissioners to locate the county seat. They met for this purpose on July 22, 1854, and selected a site which was given the name of Frankfort.

As soon as the county seat was located at Frankfort, the citizens of Red Oak Junction became interested in securing a removal to that point. The question of removal was finally submitted to a vote in November, 1864. Although the official name of the town at that time was Red Oak Junction, it was quite commonly called Red Oak. Because of this fact several votes were cast for Red Oak. The canvassers discarded these votes, thus reporting a majority of the votes in favor of Frankfort. Following this report a writ of *mandamus* was issued requiring the canvassers to count for Red Oak Junction the votes cast for Red Oak. This was

¹⁴⁴ *Laws of the Territory of Iowa*, 1845-1846, pp. 110-113; Hickenlooper's *History of Monroe County, Iowa*, pp. 24-31.

¹⁴⁵ *Laws of Iowa*, 1850-1851, p. 28, 1852-1853, p. 23.

done and according to the recount the county seat was removed to Red Oak Junction or to Red Oak as it has since come to be called. No organized effort has been made to secure a further relocation.¹⁴⁶

Muscatine County.—Muscatine County was established by the law dividing Des Moines County on December 7, 1836, and by the terms of this law the town of Bloomington was designated as the place of holding court, a provision which practically although not legally established the county seat at that place. On December 16, 1837, the legislature of the Territory of Wisconsin presented to Governor Henry Dodge a bill which provided, among other things, that the county seat of Muscatine County be removed from Bloomington to Geneva. The Governor opposed this change, and vetoed the bill. In doing so he said: "There does not occur to me a single good reason for the proposed removal. The majority of the people of the county have not asked for it; on the contrary, a large majority of them have remonstrated in the strongest terms against it". As a matter of fact the towns were only about three miles apart and there seems to have been no logical argument for a change. The veto of the bill, however, prevented the measure from becoming effective and thus ended the contest.

On January 18, 1838, the boundary lines of Muscatine County were changed and the town of Bloomington was designated as the seat of government — thus legalizing the establishment of the location which had virtually been effected by providing for the holding of court at that place.

Following this act establishing the seat of justice, there seems to have been no concerted effort to relocate it. The name of the town, however, has been changed. When the town was first laid out in May, 1836, it was given the name

¹⁴⁶ *History of Montgomery County, Iowa* (1881), pp. 335, 336.

of Newburg but work had not progressed far when Newburg was discarded and the name of Bloomington adopted. This name was retained for some twelve years and then, upon a petition being presented to Judge James Grant, the name was changed to Muscatine. Thus the city which now bears the name of Muscatine has, since the organization of the county, retained its position as the county seat.¹⁴⁷

O'Brien County.—O'Brien County was established in 1851 and was temporarily attached to Woodbury County for judicial and election purposes. The first permanent settlement was made in 1856 by Hannibal H. Waterman, who located on section 26, township 94, range 39. Here the first election of county officers was held in February, 1860.¹⁴⁸

Soon after the organization of the county the town of O'Brien was established in the southeastern part of the county—the only part which was settled at that time—and designated as the county seat. Here the county business was transacted until 1872. During this time county affairs were badly managed. Moreover, the population of the county was increasing and spreading westward. It was thought that a removal into a new district might aid in controlling the graft which had developed, and also secure a more central location of the county seat. To secure this removal a location was agreed upon at the exact center of the county. This site was raw prairie with no inhabitants, and without a name. Yet with these disadvantages, the new location was chosen by a vote of three hundred and seven to fifty-three. The new location was named Primghar.

¹⁴⁷ *Laws of the Territory of Wisconsin, 1836-1837*, pp. 76-78, 383; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 31; *History of Muscatine County, Iowa* (1879), pp. 501, 507; Richman's *History of Muscatine County, Iowa*, Vol. I, pp. 286, 287.

¹⁴⁸ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 384; *Laws of Iowa, 1850-1851*, p. 36, 1852-1853, p. 21.

With the location of the county seat at Primghar there was no further united effort for a removal until 1879. In June of that year a petition was filed with the board of supervisors, asking for a removal of the county seat to Sheldon while at the same time the citizens of Sanborn asked that it be moved from Primghar to Sanborn. Remonstrances against each of these petitions were circulated, and a general remonstrance against any removal but the board rejected the latter as too indefinite. At this time the law did not require that the petition be filed until the day of the hearing before the board, and did not limit the time during which signatures might be secured. When the board met errors were pointed out in both the petitions and remonstrances, and three days were spent in revising the list of signatures.

At the time of this contest, Sheldon was a thriving town, having secured a railroad in 1873, six years before. Primghar on the other hand was not flourishing and had not yet obtained railroad facilities. But Sheldon was on the border of the county while Primghar was in the center. The argument in favor of the central location prevailed, and Primghar retained the county seat.

The contests thus far mentioned were carried on in a legal manner, and in compliance with the statutes which provided for removals. In 1882 another contest came, however, which was more like a raid than a legally conducted contest. In 1878 and again in 1881 railroads had been built across O'Brien County, each missing the town of Primghar by only a few miles. Even the citizens of Primghar were becoming discouraged, and many of them had moved away. The board of supervisors, however, still held to the idea of a central location and refused to consider a removal. In November, 1882, the competing railroads were engaged in a rate war and one of them offered a round trip ticket to

Saint Paul for twenty-five cents. All of the county officers except the auditor, together with many of the citizens, took advantage of the excursion. Since there was no railroad at Primghar these officers went to Sanborn to board the train. The contemplated absence of the county officers suggested to some of the citizens of Sanborn that a raid be made upon the courthouse, and that the county seat be summarily removed to Sanborn. This may have been suggested as a joke, but the plan materialized, and in a short time the organization was complete. "One hundred men went down from Sanborn with teams, wagons, crow bars, heavy timbers, pulleys and tackle, fully equipped, and arrived in Primghar at midnight. It took but a half hour or less for that number of vigorous, energetic men to batter down the court house doors, and cut down the window sills level with the floor, and to proceed to load up records, documents, filings, papers and everything that was loose or could be loosened, from every office, and load them into and upon forty wagons now hitched and standing around the square."

While this was happening an alarm was sent throughout the town, and soon many of the citizens of Primghar were on the scene. In spite of all arguments that could be brought to bear, the raiders continued their work. The citizens of Primghar cut some of the harness on the teams of the intruders and took the nuts from the wheels of the wagons on which the county safe had been loaded. Aside from this no physical resistance was offered, and the Sanborn delegation was allowed to leave town after having secured the coveted prize.

The following day a meeting was called at Sanborn, officials were summoned, and after some discussion of the matter the citizens of Sanborn came to realize that they were in the wrong and they agreed to return the records and pay whatever damages had been incurred. This was

done and, although there was much discussion of legal prosecution, the affair was finally settled peaceably.

A fourth contest for removal took place in 1911. The large public debts of the county, which had been incurred early in its history, had prevented the erection of adequate county buildings. Moreover, Primghar had not secured a railroad until fifteen years after Sheldon, and nine years after Sanborn had secured such advantages. Thus the county seat town had not kept pace with other towns of the county.

In March, 1911, the people of Sheldon circulated a petition for the relocation of the county seat at that place. This has been referred to as "a vigorous and genuine up-to-date county-seat contest, with the frills all on". The contest lasted ninety days and received such publicity as has seldom been given a local contest. The arguments presented in favor of Sheldon were: that it had three railroads; it had become a distributive point for the county; it was the largest town in the county "and always would be"; and it had ample hotel facilities.

Against these claims it was argued for Primghar that it was in the center of the county; that automobile service rendered it possible for any one in the county to come to the county seat and return the same day; that considering future needs Primghar had superior advantages; and that adequate hotel services would be provided.

After eliminating certain names from the petition and the remonstrance, the board of supervisors found 1447 supporters of the petition, and 3161 in favor of the remonstrance. Hence they ordered that no election be held. While this contest was pending, the legislature was in session and as a result of the influence which was brought to bear, a law was passed which provided that where a county seat has been located continuously in one place for forty

years or more two-thirds of all the votes cast must be in favor of removal before the board of supervisors shall declare the county seat removed.

In reviewing the history of the county seat in O'Brien County four distinct contests may be included covering a period of forty years, yet only one change has been made — that from O'Brien to Primghar. Moreover, with the development of modern conveyances, with better facilities in the town of Primghar, and with modern legislation, it is probable that no further change will be made.¹⁴⁹

Osceola County.—Although the boundaries of Osceola County were established in 1851, the county did not assume a separate organization for more than twenty years — the first county business having been transacted on January 1, 1872.¹⁵⁰

Orson Rice of Dickinson County, C. W. Inman of O'Brien County, and J. S. Howell of Lyon County were appointed commissioners to locate the county seat. In June, 1872, the Sioux City and Saint Paul Railroad was completed as far as the town of Sibley, which was designated by the commissioners as the county seat. The promoters of the railroad gave a block within the limits of the town for the site of a courthouse, and a county building costing \$5000 was soon erected. The first court held in the county was convened at Sibley in 1872 with Henry Ford, judge of the district court, presiding.

Although Sibley is located some distance from the center of the county, it has good railroad facilities and is otherwise

¹⁴⁹ Peck, Montzheimer, and Miller's *Past and Present of O'Brien and Osceola Counties, Iowa*, Vol. I, pp. 153-167; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 384; Gue's *History of Iowa*, Vol. III, p. 394.

¹⁵⁰ *Laws of Iowa, 1850-1851*, p. 38; Swisher's *History of the Organization of Counties in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XX, pp. 571, 572.

well qualified as a county seat town. No attempt seems to have been made to secure a change of location.¹⁵¹

Page County.—Page County, together with Ringgold, Taylor, and Fremont, was established and organization was provided for on February 24, 1847. Actual organization did not become effective, however, until 1851. In December, 1852, a law was passed which provided for locating the county seat and designated John Scott and Thomas M. Gordon of Fremont County and Jacob Miller of Taylor County as locating commissioners. This law provided also that the name of the site chosen should be "Clarinda".¹⁵²

In accordance with this law the county seat was located at the town of Clarinda, where it has always remained. Indeed, there has never been any concerted action on the part of any community in the county to secure a relocation. Early in the history of the county there was some agitation for a removal to a town plot then known as Page City, which was located near the center of the county. This, however, was in the nature of a real estate boom and was never seriously considered by the citizens as a whole. Lots were surveyed at Page City and sold at an exorbitant price. It is said, however, that everyone except the purchasers of the lots soon forgot about the county seat scheme, Clarinda retaining the honors without a contest.¹⁵³

Palo Alto County.—Palo Alto County was established in 1851, but remained unorganized until 1858. In the meantime promoters and speculators became interested in this

¹⁵¹ Peck, Montzheimer, and Miller's *Past and Present of O'Brien and Osceola Counties, Iowa*, Vol. I, pp. 538, 677; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), pp. 388, 389; Gue's *History of Iowa*, Vol. III, p. 395.

¹⁵² *Laws of Iowa, 1846-1847*, p. 114, 1852-1853, pp. 17, 18.

¹⁵³ Kershaw's *History of Page County, Iowa*, Vol. I, p. 331.

part of the State, especially in securing the land that might later become the county seat. In 1858 a group of promoters from Fort Dodge entered the county, took up claims, and staked off a town to which they gave the name of "Emmetsburg". The dream which they had of making the town of Emmetsburg a thriving county seat was in later years realized, but these men did not reap the benefit. Their money was soon gone, and they were obliged to abandon their enterprise and return to Fort Dodge. This location was never officially platted, or filed for record. The small buildings which they erected eventually fell into decay.

In 1859 another attempt was made to establish a county seat. This time the promoter was John M. Stockdale, who represented a syndicate of speculators from Fort Dodge. Stockdale was a cousin of Samuel J. Kirkwood, the war Governor of Iowa, hence a man of some political influence. He succeeded in having men who were favorable to his scheme appointed as locating commissioners. These men were appointed by the judge of the fifth judicial district and consisted of Cyrus C. Carpenter of Webster County — later Governor of Iowa — John Straight of Pocahontas County, and William Pollock of Webster County. In January, 1859, they located the county seat on section 6, in township 95, range 32, on the town plat of Paoli. Small county buildings were erected at this point, but the new town did not prove attractive and it was soon abandoned.

Meanwhile the Chicago, Milwaukee, and St. Paul Railroad had been projected into the county and the new town of Emmetsburg had been established. Although the old town of Emmetsburg had disappeared the name survived and was transferred to the new town. In the fall of 1875 the county seat was changed by almost a unanimous vote from the mythical town of Paoli to the new town of Emmetsburg. That this change was a fortunate one can not now be

doubted. Emmetsburg has become a thriving town and a center of population in the county. Its claim to county seat honors is now well established.¹⁵⁴

Plymouth County.—Plymouth County was established in 1851 and in 1858 was organized under the direction of the county judge of Woodbury County to which it had been temporarily attached. County business was for a time transacted in the homes of the various county officers. In a short time, however, the taxpayers were convinced of the need of a permanent seat of justice and Andrew Leach of Sioux City and Lemuel Parkhurst of Cherokee were appointed to locate the county seat. In October, 1859, they selected the site of the town of Melbourne, where the first courthouse of the county was erected at a cost of \$2000. This continued to be the county seat until the year 1872.

In 1870, the town of Le Mars was platted and two years later by a vote of the people, the county seat was removed from Melbourne to Le Mars. Being relatively near the center of the county with good railroad facilities, Le Mars has developed into a prosperous county seat town.¹⁵⁵

Pocahontas County.—Pocahontas County, in common with many of the counties of Iowa, was established in 1851. It was temporarily attached to Webster County and, under the direction of the judge of that county, was organized in 1859.¹⁵⁶

¹⁵⁴ *Laws of Iowa, 1850-1851*, p. 36; McCarty's *History of Palo Alto County, Iowa*, pp. 58-61, 131-133.

¹⁵⁵ *History of the Counties of Woodbury and Plymouth, Iowa (1890-1891)*, pp. 413, 433, 434; Freeman's *History of Plymouth County, Iowa*, Vol. I, pp. 407, 437; Andreas's *Illustrated Historical Atlas of the State of Iowa (1875)*, p. 372.

¹⁵⁶ *Laws of Iowa, 1850-1851*, p. 34; Flickinger's *The Pioneer History of Pocahontas County, Iowa*, pp. 184, 185, 207.

In August, 1859, upon application of a majority of the citizens of the county, A. W. Hubbard, judge of the fourth judicial district, appointed C. C. Carpenter of Webster County, Niles Mahan of Palo Alto County, and Hiram Benjamin of Humboldt County as commissioners to locate the county seat. Two of these men, C. C. Carpenter and Hiram Benjamin, visited the county and on August 20, 1859, selected a site in section 26 of Des Moines Township. The name first suggested for this place was Highland or Highland City, and the use of this name prevailed during the year 1860. In January, 1861, the town was surveyed and platted and given the name of Milton. Later when application was made for a post office it was refused because of the fact that there was a town of the same name in Van Buren County. The name was then changed to Rolfe, in honor of John Rolfe who married the Indian princess, Pocahontas. This name received popular approval because of its historic interest and was for a time considered as permanent. In 1882, however, when two railroads crossed at a point four miles from Rolfe, the death knell of the town had been sounded. The name was changed to Parvin, but it soon became a "deserted village" and the present town of Rolfe was later established at a new location.

Several years prior to the passing of the old town of Rolfe, there had developed an agitation for a removal of the county seat to a central location. As early as June, 1873, petitions were presented asking for a removal. These were rejected because of defective signatures. On June 8, 1875, in response to other petitions a vote was ordered upon the question of removal to Pocahontas Center — now known as Pocahontas. This proposition was carried by a majority of 299 votes.¹⁵⁷ In October, 1876, the board of supervisors

¹⁵⁷ Flickinger's *The Pioneer History of Pocahontas County, Iowa*, pp. 165, 185, 196, 279, 563, 564, 870.

met for the first time at the new county seat and in December of the same year a session of the district court was held in the newly erected courthouse at Pocahontas.

Polk County.—Settlers began to locate in Polk County in considerable numbers as early as 1845. Indeed by the fall of that year there were two rival localities desiring the county seat — Fort Des Moines, a military camp, on the west bank of the Des Moines River, and Brooklyn on the east side of the river somewhat farther north. When the territorial legislature met at Iowa City in the winter of 1845 and 1846 both of these settlements were represented in the lobby agitating legislation relative to county organization. On January 13, 1846, a law was passed which established twelve new counties of which Polk was one.

Thus far neither of the contesting parties had any advantage. The Brooklyn lobbyists, supposing the matter settled, returned home. The Fort Des Moines representatives, however, were more persistent and after their rivals had gone they secured the passage of a supplementary bill which changed the boundaries of the county in such a way as to place Fort Des Moines near the geographic center of the county. This bill appeared on its face to be entirely foreign to the question of a county seat, but it was drafted with this intent and did in fact virtually secure a victory for the Fort Des Moines forces. On the same day on which this supplemental bill was passed another measure was enacted relative to the organization of the county. This latter law appointed Thomas Hughes of Johnson County, M. T. Williams of Mahaska County, and Giles M. Pinneo of Scott County as commissioners to locate the county seat.¹⁵⁸

In May, 1846, the commissioners met and spent eight days

¹⁵⁸ *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75, 92-94; *History of Polk County, Iowa* (1880), pp. 424-427.

in visiting various points in the county. Finally on the 25th of the month they agreed upon the site of Fort Des Moines. This point was favored because it was near the center of the county according to the new boundary lines. Later the boundaries were changed, giving to Warren County the townships which had formerly been added to Polk. When this change was made the county seat was no longer in the center of the county, but the political intrigue that secured the original change had served its purpose. The county seat had been established, and had become so firmly fixed that it could not be changed.

Fort Des Moines as a military camp ceased to exist after a few years, although "the name, later shortened to Des Moines, was adopted by the town which grew up on the site of the old fort." Thus Des Moines became the county seat of Polk County.¹⁵⁹

Pottawattamie County.—On February 24, 1847, a law was passed which provided that the land within the limits of the Pottawattamie purchase should be organized into a county, at any time when in the opinion of the judge of the fourth judicial district, the public good required it.¹⁶⁰ The county was organized in accordance with this provision of 1848.

In 1851 the county was reduced to its present size, and provision was made for selecting a county seat. The county commissioners were directed to designate two places to be voted for at an election called for the purpose.¹⁶¹ In compliance with this order the commissioners designated Kaneshville — now Council Bluffs — as one of the places to be voted upon, and Pleasant Grove, about eight miles from

¹⁵⁹ Gallaher's *Fort Des Moines in Iowa History in Iowa and War*, No. XXII, p. 19; *History of Polk County, Iowa* (1880), pp. 424-433.

¹⁶⁰ *Laws of Iowa, 1846-1847*, p. 115.

¹⁶¹ *Laws of Iowa, 1850-1851*, pp. 27, 28, 56.

Kanesville, as the other. At the election which occurred on April 7, 1851, the county seat was located at Kanesville — only seven votes being cast against it.

At this time the town of Kanesville was growing very rapidly. As early as 1852 the town with its suburbs had a population of seven thousand. Early in 1853 the name Kanesville was changed to Council Bluffs and the city was chartered under that name.

In the location of county seats through the State, one of the leading, if indeed not the chief determining factor, has been to secure a central location. In this respect Pottawattamie County presents a striking contrast. Kanesville, or Council Bluffs as it soon came to be called, was selected not because of its central location, but rather by virtue of its being the center of population. The development of the city has been such as to retain its position in this regard and it remains the county seat in spite of the fact that it is located on the border of the county.¹⁶²

Poweshiek County.—Poweshiek County was established on February 17, 1843, but was not organized as a separate county until five years later. On January 24, 1848, a law was passed which provided for the organization of the county. By the terms of this law David Edmundson of Jasper County, John White of Mahaska County, and John Rose of Polk County were appointed commissioners to locate the county seat.¹⁶³ On June 17th of the same year these men made their report in which they declared that they had given consideration to present and future conditions as well as to the geographical center of the county

¹⁶² Babbitt's *Early Days at Council Bluffs*, pp. 94, 95; Field and Reed's *History of Pottawattamie County, Iowa*, Vol. I, p. 15.

¹⁶³ *Revised Statutes of Iowa, 1842-1843*, p. 131; *Laws of Iowa, 1847-1848*, pp. 55-57.

and had selected the site on section 6, township 78, range 14, to which they had given the name of Montezuma.

The records show that on July 3, 1848, the county commissioners authorized the negotiation of a loan of \$200 with which to enter the quarter section designated as the county seat. The land was entered and platted, and in 1850 the proceeds from the sale of lots were used to erect a frame building for a courthouse. This building served until 1858, when a more commodious structure was built of brick and stone, at a cost of \$22,000. Montezuma still remains the county seat.¹⁶⁴

Ringgold County.—Ringgold County, together with Taylor, Page, and Fremont counties, was established on February 24, 1847. It was organized under a special act of legislation which was approved on January 18, 1855. A few days prior to this date a law had been passed by which George W. Jones of Mahaska County, A. Hawley of Decatur County, and Robert Stafford of Page County were appointed commissioners to locate the county seat. They were authorized to locate it as near the geographical center as seemed practicable, having due regard to a proper site and the general interest of the county.¹⁶⁵ On the 18th of April the commissioners reported that they had selected a part of section 6, township 68, range 29, and had given it the name of Mt. Ayr. The land thus selected was owned by John S. Sheller of Lucas County. As an inducement toward securing the county seat Mr. Sheller promised to convey to the county one-half of the quarter section selected and this offer was accepted. This transfer constituted the first deed recorded in Ringgold County.

¹⁶⁴ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 379; *History of Poweshiek County, Iowa* (1880), p. 376.

¹⁶⁵ *Laws of Iowa, 1846-1847*, p. 114, 1854-1855, pp. 2, 50.

In accordance with the instruction given the commissioners, the site chosen was very near the geographical center of the county. This has doubtless been a factor in preventing contests relative to a relocation. At any rate Mt. Ayr is still the county seat.¹⁶⁶

Sac County.—Sac County was established in 1851 and was attached to Greene County in 1855.¹⁶⁷ The following year it was given a separate organization and a full staff of county officers was elected.

The early records of the county show that there was an attempt made to locate the county seat at a point almost in the exact center of the county. With this in view a petition was presented to Judge Samuel H. Riddle of the seventh judicial district, asking that commissioners be appointed. In response to this request the judge appointed Jesse Mason, E. Buterick, and Doctor Bonnie as commissioners. Soon after their appointment these men met and designated the geographic center as the site of the county seat.

For some reason, however, this plan was not carried out, and Judge C. J. McFarland of Greene County appointed a new commission consisting of Talmage E. Brown, Crandall W. Williams, and Cyrus Huxford. These men met in September, 1857, and selected Sac City as the location for the county seat.

Sac City was the first town laid out in the county. It had the advantages of water power and a good supply of timber. Thus it became well established at an early time and has maintained its position as a leading town as well as the county seat up to the present time.¹⁶⁸

¹⁶⁶ *Biographical and Historical Record of Ringgold and Union Counties, Iowa* (1887), pp. 406, 407.

¹⁶⁷ *Laws of Iowa, 1850-1851*, p. 32, 1854-1855, p. 211.

¹⁶⁸ Hart's *History of Sac County*, pp. 45, 46; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 373.

Scott County.—On December 21, 1837, a law was approved dividing Dubuque County into fourteen counties, one of which was Scott. It was provided that the county seat of this county should be either at Davenport or Rockingham, as might be decided by an election to be held on the third Monday in February, 1838. This law stipulated further that returns of the election should be sent to the Governor of the Territory, who should thereupon declare the results of the election and designate the place receiving the highest number of votes as the seat of justice.

Following the enactment of this law a vigorously contested campaign ensued. The Rockingham advocates were confident that if a fair election were held they would win, as the center of population was at that time in the southern part of the county. The Davenport advocates, on the other hand, were determined to win. It is said that a few days before the close of the contest the Davenport people became aware that they were in need of more laborers in the vicinity, and accordingly sent a recruiting agent to Dubuque to secure men. He succeeded in securing the services of several sleigh loads "of the most wretched looking rowdies that had ever appeared in the streets of Davenport. They were the dregs of the mining districts of that early day, filled with impudence and profanity, soaked in whisky and done up in rags." By admitting these men to the polls a majority of votes was secured for Davenport. The results of the election were sent to Governor Henry Dodge of Wisconsin Territory and there was enthusiastic rejoicing at Davenport. Bonfires and illuminations expressed their joy in this great and final triumph.

While the victors were celebrating, however, the rival party dispatched messengers to Mineral Point, Wisconsin, to see Governor Dodge, and present evidence of the fraud which had been perpetrated at Davenport. Upon receiving

this evidence, the Governor refused to issue his certificate of election and accordingly nothing resulted from the contest.

Thus conditions remained until the legislature met in June, when an act was passed for the holding of another election in August to determine the choice between Davenport and Rockingham. This law more particularly defined the manner of voting, requiring a sixty days residence of all voters. The returns of this election, unlike those of the previous one, were sent to the sheriff of Dubuque County who was to count the votes in the presence of the county commissioners. The results were to be entered on the books of the county commissioners and the place receiving the highest number of votes was to be declared the seat of justice.

At this election Rockingham seems to have "laid aside all conscientious scruples", and resolved to win by fair means or foul. The struggle was harder than before, and the corruption much greater, though of a different character. This time the ballot box was stuffed and other illegal voting was permitted. Non-residents were sworn in as "old settlers", and more votes were cast than the population warranted. All of which, however, seemed to be in strict conformity with the oath taken by some of the judges: that they should "to the best of their ability, see that votes were polled to elect Rockingham the county seat."

When the election was over, the returns were sent to the sheriff of Dubuque County, and counted in the presence of the county commissioners. When it was found that Rockingham had a majority of the votes cast, the commissioners failed to make entry of the results, but instead took the liberty of "purging the polls" by throwing out a sufficient number of votes to give Davenport a majority of two votes. Thereupon the Rockingham party made application to the

Supreme Court asking for a writ of *mandamus* requiring the county commissioners to make the proper entry. The court, however, held that it had no original jurisdiction in the matter, and thus the contest continued.

At the next session of the legislature a law was passed providing for another election. This time there were four contestants: Davenport, Rockingham, the "geographical center", and Winfield — more frequently referred to as the "Duck Creek cornfield" since it was located near the mouth of Duck Creek. The "geographical center" soon dropped out of the race. Then the contestants began offering land, town lots, and money for the use of the county as a means of securing the location. A donation of ninety acres of land and \$825 in money and materials was offered for the location at Winfield. The citizens of Davenport, not to be outdone, gave a considerable number of town lots and contributed liberally in money. Rockingham at length tired of the contest, withdrew her claims, and the election was left to Davenport and Winfield.

The result was that Davenport won in the election, erected public buildings free of cost to the county, and thus terminated one of the most interesting county seat contests recorded in the annals of the State.¹⁶⁹

Shelby County.—Shelby County was established in 1851 and two years later it was organized and county officers were elected. By order of the court a committee consisting of L. D. Butler, John E. F. Vails, and Marshall Turley was appointed to locate the county seat. These men met and agreed upon a location on section 27, township 81, range 40, in what was later known as Grove Township. This location

¹⁶⁹ *Laws of the Territory of Wisconsin*, 1836–1838, pp. 136, 556; *Laws of the Territory of Iowa*, 1840 (Extra Session), pp. 20, 33, 68; *History of Scott County, Iowa* (1882), pp. 262–270; Wilkie's *Davenport, Past and Present*, pp. 54–61.

was given the name of Shelbyville and soon developed into a thriving pioneer hamlet. In April, 1857, a vote was taken upon the question of erecting a courthouse at Shelbyville, but the proposition was lost by three votes. Soon the question was again submitted to a vote, with the sum to be expended fixed at \$3000. This was likewise defeated.

There were at this time three factions in the county, each desirous of securing the county seat. The settlers in the northwestern part of the county wanted the county seat left at Shelbyville. A second faction consisted of a group of speculators who had come into the county in advance of the government survey and platted the town of Simoda near the center of the county with the express intent of making it the county seat. The third faction had in mind a location near the center of the county on the Rock Island and Pacific Railroad which was being projected across the county at this time. This faction favored the location at Harlan. In response to a petition the question of removing the county seat to Harlan was voted upon in April, 1859. In this contest the three factions were reduced to two as the citizens favoring Shelbyville joined with the Simoda party, apparently upon the ground that a little gain in distance was better than going the full way to Harlan. In spite of this union of forces, however, Harlan won the contest by nine votes and the county seat was moved to that place.

This was followed by a series of contests and disputes relative to the building of a courthouse which were not satisfactorily settled for a considerable time. The question of a further removal of the county seat, however, seems not to have been seriously considered.¹⁷⁰

Sioux County.—Sioux County was established in 1851 and

¹⁷⁰ *Biographical History of Shelby and Audubon Counties, Iowa* (1889), pp. 245-248.

was attached to Woodbury County until 1860 when county organization was perfected and the county seat located at Calliope in the southern part of the county.

In 1870 the population of the county was greatly increased by the influx of a large number of immigrants from the Netherlands. These newcomers laid out a town and named it Orange City in honor of William of Orange. This town made a rapid growth and was soon the leading town of the county. In 1872, by a vote of the people, the county seat was removed from Calliope to Orange City where it has been located since that date.¹⁷¹

Story County.—Story County belongs to the group of twelve counties which were established by legislative enactment on January 13, 1846. The county was organized in 1853. Joseph M. Thrift of Boone County, Johnson Edgar of Jasper County, and Thomas Mitchell of Polk County were appointed commissioners to locate the county seat. Two of these men, Joseph M. Thrift and Johnson Edgar, met on June 27, 1853, and agreed upon a site near the center of the county. Mr. Thrift had been a "Forty-niner" in California, and in his trip across the continent had been an admirer of the Sierra Nevada Mountains. Because of this admiration he suggested that the new county seat town be called Nevada, a suggestion which was adopted.

The county seat having been located on land still belonging to the government, it became the duty of E. C. Evans, county judge, to enter the land for the county and obtain possession of the town plat. Judge Evans, however, was slow in taking action in this matter and Jenkins W. Morris, a Des Moines speculator, entered the land and obtained

¹⁷¹ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 384; Gue's *History of Iowa*, Vol. III, p. 412; *Laws of Iowa*, 1850-1851, p. 36, 1852-1853, p. 24.

possession of the site of the proposed county seat. He was willing, however, to sell the location, reserving certain lots within the platted town. Thus he eventually secured a good return on his investment.

The location of the county seat at Nevada has remained permanent, its central location doubtless being one of the large determining factors in retaining this position for it. In spite of the fact that in recent years Ames, which is located in the western part of the county, has surpassed Nevada in population, it is probable that no change of location of the county seat will be made.¹⁷²

Tama County.—Tama County was one of the nine counties established on February 17, 1843, and was attached to Benton County until 1853 when the county was organized and a full staff of officers was elected. In the fall of that year James B. Carlton, judge of the district court, appointed Joseph M. Furgeson of Marshall County and R. B. Ogden of Poweshiek County to locate the seat of justice. These men met at the house of John C. Vermilya on October 20th and proceeded to search for a desirable site. They first examined a quarter section near Bruner's Mill in Howard Township, but rejected this as being too far north. Finally they decided upon a location to which they gave the name of Toledo, in honor of Toledo, Ohio. With the location selected, a contract was soon let to T. A. Graham to erect a courthouse for the sum of thirteen hundred dollars. In due time this building was completed and continued to serve its purpose until 1866 when a new building was erected.

As in the case of Story County, the county seat of Tama County does not at present represent the largest city within

¹⁷² *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75; *Payne's History of Story County, Iowa*, Vol. I, pp. 43-45.

the county borders for the city of Tama has surpassed Toledo in population. By virtue of its priority of possession and because it is somewhat nearer the center of the county Toledo, however, continues to be the county seat of Tama County.¹⁷³

Taylor County.—Taylor was one of a group of four counties established by the legislative enactment of February 24, 1847. The county was given a separate organization in 1851 and in February of that year locating commissioners were appointed. Nothing seems to have resulted from this appointment, however, and county business continued to be transacted at the house of Judge Jacob Ross until 1853, when new commissioners, consisting of Jesse Majer, William R. Robbins, and S. F. Snyder were appointed by the legislature to locate the county seat. The law by which these commissioners were appointed provided that the site when selected should be given the name of Bedford.¹⁷⁴

In March, 1853, the commissioners met and agreed upon a location in section 26, township 68, range 34. Bedford grew slowly at first. Indeed, it seemed for a time that the rival town of Lexington in Marshall Township might eventually become the county seat. With the increase in population, however, Bedford became relatively the more important of the two, and the building of a courthouse at that place in 1864 extinguished the last hope for the town of Lexington, which soon passed into history, leaving the county seat at Bedford where it still remains.¹⁷⁵

Union County.—Union County was established in 1851.

¹⁷³ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 133; *History of Tama County, Iowa* (1879), pp. 19-23.

¹⁷⁴ *Laws of Iowa, 1846-1847*, p. 114, 1850-1851, p. 75, 1852-1853, pp. 41, 42.

¹⁷⁵ *History of Taylor County, Iowa* (1881), pp. 384-388, 392-394, 600.

Two years later, on January 12, 1853, a law was passed which provided for the organization of the county and appointed A. J. Hanscom, Colonel Mills, and Lewis F. Perry as commissioners to locate the county seat. These men failed for some reason to assume the responsibility placed upon them and the county remained without a county seat until 1855 when the legislature appointed other locating commissioners, consisting of S. S. Walker, Adrian Miles, and George A. Hawley. The men were authorized to meet at Peters Mill and proceed to locate the county seat as near the geographical center of the county as a suitable site could be secured. They were also to name the site chosen.¹⁷⁶

The commissioners met in accordance with the provision of the law and selected a site to which was given the name of Afton. There was another aspirant for the county seat, however. In 1854, Justus Clark of Des Moines County had laid out a town three miles west of Afton very near the center of the county. This point was called Highland and because of its location laid claim to the county seat. This matter was submitted to a vote of the people which resulted in favor of Afton. With the loss of the county seat contest, Highland began to decline and most of the buildings were subsequently removed to Afton.

In 1869 the town of Creston was laid out as the terminus of the Burlington Railroad then under construction. Machine shops were established and Creston grew with unusual rapidity. For this reason it was successful in obtaining a removal of the county seat from Afton to Creston in 1890, in spite of the fact that the former has the more nearly central location in the county.¹⁷⁷

¹⁷⁶ *Laws of Iowa*, 1850-1851, p. 27, 1852-1853, pp. 26-28, 1854-1855, pp. 55, 56.

¹⁷⁷ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 417; Gue's *History of Iowa*, Vol. III, pp. 417, 418; Tuttle's *An Illustrated History of the State of Iowa* (1876), pp. 645, 646.

Van Buren County.—The law of December 7, 1836, which divided Des Moines County, established Van Buren County and designated the town of Farmington as the place of holding court. Although Farmington was not officially designated as the county seat it appears to have assumed that position, for in May, 1837, the first meeting of the county commissioners was held there. Objection to this location soon arose, however, and on December 16, 1837, the legislature of the Territory of Wisconsin presented to Governor Henry Dodge a bill which provided among other things that the county seat of Van Buren County be removed from Farmington to Rochester. The Governor expressed a belief that a change in location should be made, but thought that the town of Rochester should not be selected. Accordingly, he returned the bill to the legislature with a recommendation that the people be allowed to vote directly upon the question, or that a commission be chosen to select a location.

In accordance with this recommendation the legislature on January 18, 1838, passed a law which provided that at the next regular election the electors should vote upon such places as seemed proper. Further provision was made for a second election in case no location received a majority of votes at the first. This law also provided that the seat of justice should be retained at the town of Farmington until a change as above provided could be arranged.

It does not appear that any action was taken with regard to this law. At any rate the legislature passed another law about five months later, on June 22, 1838, for the purpose of submitting to the people the question of relocation. It would seem that this act resulted in the removal of the county seat to Keosauqua although this fact is not clearly established. The question was not definitely settled, however, for in January, 1839, the legislature appointed

Benjamin F. Chastain, Michael H. Walker, and Stephen Gearhart as commissioners to relocate the county seat. They were authorized to meet at the town of Keosauqua on the first Monday in May for the purpose of making their selection.

This law provided an exceedingly unique device for soliciting local coöperation: it stipulated that if the citizens of Keosauqua should, before April first, give bonds to the amount of five thousand dollars — the money to be used in the construction of county buildings — then the act should be null and void. That is to say, if the citizens of Keosauqua would contribute five thousand dollars toward the construction of county buildings no action would be taken toward removing the county seat.

The required sum must have been raised and the law thereby annulled for no change was made in the location and the county seat remains at Keosauqua although even at the present time there is some opposition to the location.¹⁷⁸

Wapello County.— On February 17, 1843, a law was passed which established the boundaries of Wapello County. Prior to this date, however, shrewd speculators had foreseen that the counties to be laid out in this section of the State would probably be of uniform size, and with this idea in view John Arrowsmith had surveyed the land and arrived at what he believed would be the geographical center of the new county. This site was given the name of Otumwa. In order to obtain possession of this land a group of promoters organized themselves into the “Appanoose

¹⁷⁸ *Laws of the Territory of Wisconsin*, 1836-1838, pp. 76, 78, 381, 382, 539; *Laws of the Territory of Iowa*, 1838-1839, p. 96; *Annals of Iowa* (First Series), Vol. IX, p. 455; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 30; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 412.

Rapids Company''. They surveyed the land, set aside certain lots which were to be donated to the county provided the seat of justice should be located there, and completed all arrangements possible to obtain the county seat. When the boundaries of the county were established it at once became apparent that the promoters had been accurate in their estimates and that they had located almost the exact center of the county.

In February, 1844, Joseph B. Davis of Washington County, John H. Randolph of Henry County, and Solomon Jackson of Lee County were appointed as commissioners to locate the county seat. These men met in May and selected the site at Ottumwa. By an agreement between the county board and the representatives of the Appanoose Rapids Company certain lots agreed upon were transferred to the county and preparation was made for the erection of a courthouse. The name of the county seat, in accordance with the suggestion of the locating commissioners, was given the name of Louisville. This name was retained for only a short time, however, and the original name of Ottumwa was soon restored.

Thus Ottumwa became the first county seat of Wapello County and its right to retain this position has never been seriously questioned.¹⁷⁹

Warren County.—The boundaries of Warren County were established in January, 1846, and the county was organized under the general law for the organization of counties passed in 1847.¹⁸⁰ The following year commissioners were appointed to locate the county seat. Two of these men,

¹⁷⁹ *Revised Statutes of the Territory of Iowa, 1842-1843*, p. 132; *History of Wapello County, Iowa* (1878), pp. 462-467; Waterman's *History of Wapello County, Iowa*, Vol. I, pp. 96-105.

¹⁸⁰ *Laws of the Territory of Iowa, 1845-1846*, pp. 73-75.

Alfred D. Jones and William Ware, met and agreed upon a location at the present site of Indianola, which was selected because of its central location and natural material advantages. A log courthouse was built at Indianola in 1851 and for some time this served as a church and schoolhouse as well as a courthouse. From the date of its selection as the seat of government Indianola became the leading business center of the county. Its early and continued interest in education has made it one of the leading cities in that section of the State and its title to the position as county seat of Warren County has remained undisputed.¹⁸¹

Washington County.— Washington County was established on January 18, 1838, under the name of Slaughter County. By the terms of this law the town of Astoria was designated as the seat of justice. On January 25, 1839, the name of the county was changed to Washington. At this time John Gilleland, Thomas Richey, and William Chambers were appointed to locate and establish the seat of justice. The provision was made, however, that it should be “temporarily established at the town of Astoria”, until another location should be selected.

It appears that the town of Astoria never existed in reality and that only one building was erected, a log house, about sixteen feet square, which was intended for a courthouse. This was never completed although it is probable that one session of court was held there. Even the exact location of Astoria is unknown but it was near Ainsworth in Oregon Township.

The commissioners who had been appointed to select a location for the county seat chose the southwest quarter section of section 17, township 75 north, range 7 west, and the county commissioners at an early meeting gave it the

¹⁸¹ *History of Warren County, Iowa* (1879), pp. 347, 475-479.

name of Washington. Thus in Washington County the seat of government was given a central location at an early date, and there has not been any concerted effort to relocate it.¹⁸²

Wayne County.—Wayne County was established by legislative enactment on January 13, 1846, and attached to Appanoose County for judicial, revenue, and election purposes. The county was organized in 1850 under the general law for the organization of counties. In January of the following year George W. Perkins of Appanoose County, William Davis of Decatur County, and Lamaster M. Boggs of Monroe County were appointed commissioners to locate the county seat.¹⁸³ Two of these men, George W. Perkins and William Davis, met and subscribed to the oath in May, 1851, and reported their selection of a location very near the geographical center, the present site of Corydon. The commissioners at first selected the name of Springfield for the new county seat, but George W. Cleary, Secretary of State, wrote to the clerk stating that there was another town of that name in the State and suggested the name of Anthony. The clerk, William McPherson, was favorably impressed with this name but the county judge, Seth Anderson, preferred the name of Corydon, the name of a town in Indiana. As the parties were unable to agree upon a name, it is said they finally decided to settle the question by means of a game of poker.¹⁸⁴ In this the judge proved himself the more skilful and thus won for the newly selected

¹⁸² *Laws of the Territory of Wisconsin*, 1836-1838, p. 383; *Laws of the Territory of Iowa*, 1838-1839, p. 100; *Annals of Iowa* (First Series), Vol. VII, pp. 76-80.

¹⁸³ *Laws of the Territory of Iowa*, 1845-1846, pp. 73-75; *Laws of Iowa*, 1850-1851, pp. 46-48.

¹⁸⁴ *Stuart's History of Lucas and Wayne Counties, Iowa*, Vol. I, pp. 179, 182-185.

county seat the name of Corydon. This town has retained the county seat down to the present.

Webster County.—As has been noted in connection with Hamilton County, Webster County was formed from the two counties of Risley and Yell. Soon after the organization of the county in 1853, the judge of the fifth judicial district appointed three commissioners to locate the county seat. These men met and agreed upon the southwest quarter of section 6, township 87, range 26, where the town of Homer was established. Homer was centrally located within the county and became the leading town of northwestern Iowa.

Fort Dodge and Webster City, one on either side of Homer, however, soon came into prominence and coveted the honor of becoming the county seat. The government land office, which had been originally located at Homer and had been in a large measure responsible for the rapid growth of that town, was removed to Fort Dodge. As the county was large it was not difficult for shrewd politicians to devise a scheme for its division, thus placing the town of Homer on the dividing line, and making the towns of Fort Dodge and Webster City respectively the county seats of the newly organized counties. The first move in this direction was to secure a removal of the county seat from Homer to Fort Dodge. The question was put to a vote with the result that Fort Dodge received 407 votes while Homer received only 264. That the ballot boxes were stuffed is scarcely to be questioned and the Homer faction stoutly protested. Indeed it is reported that a lawyer, John D. Maxwell, suggested that the contesting parties "fight it out", whereupon his challenge was accepted by John Francis Duncombe and a wrestling match was staged to settle the question. In this Duncombe was successful, thus sub-

stantiating the vote. However much the wrestling match may have influenced the case, the fact remains that the county seat was removed to Fort Dodge. A part of Webster County was then organized as Hamilton County of which Webster City was made the county seat. Thus the Fort Dodge and Webster City combination succeeded.

With the county seat established at Fort Dodge the next step was the erection of county buildings. Early in 1857 petitions in regard to this matter were presented to the county judge and in April, 1858, the question was presented to the voters of the county. The citizens in the southern part of the county generally opposed erecting buildings at Fort Dodge but in spite of this the proposition carried. In the hope of preventing the erection of buildings, petitions were signed asking for a removal of the county seat to Border Plains. A remonstrance was also signed and supported by the judge, which prevented this question from coming to a vote. During the following year — 1858 — another attempt was made to secure a removal to Border Plains but this also failed. An attempt was then made to have township number 90, in the northern part of the county, transferred to Humboldt County. Such a change, it was thought, would have a large influence in securing a removal since the citizens of that township had supported Fort Dodge. This change was not made, however, as the Supreme Court decided that the township in question belonged to Webster County.

In recent years Fort Dodge has maintained the county seat without opposition. Its present position as the foremost city of the county and as the county seat will doubtless be continued.¹⁸⁵

¹⁸⁵ *Northwest Iowa*, pp. 12, 13; *Annals of Iowa* (First Series), Vol. VII, p. 293; Lyon's *The Passing of Homer* in *The Palimpsest*, Vol. III, pp. 381-389; *The Des Moines Register*, November 19, 1922; *The Fort Dodge Chronicle*, September 12, 1914.

Winnebago County.—Winnebago County was established in 1851 and was for a time under the jurisdiction of Boone County, but in 1855 it was placed under the jurisdiction of Webster County where it remained until its separate organization in 1857.¹⁸⁶ T. E. Brown of Polk County, William Church of Webster County, and William Farmer of Boone County were appointed commissioners to locate the county seat. After making an examination of the different localities the commissioners finally agreed upon the east half of the northeast quarter of section 35, township 98, range 24. Here in the fall of 1857, Robert Clark laid out the town of Forest City.

This location is open to the objection that it is not the center of the county: indeed, it is very near the southern boundary. In spite of this fact, however, Forest City has retained the county seat, and is at the present time the chief city of Winnebago County.¹⁸⁷

Winneshiek County.—Winneshiek County, together with Allamakee County, was established on February 20, 1847, but was not given a separate county organization until January, 1851. The law which authorized a county organization provided also that the sheriff should place stakes at three points in the county to be voted upon for the county seat. The places thus designated were Louisville, Swainey's Mill — later known as Moneek — and Decorah.¹⁸⁸ The election to determine which of these sites should be selected was held on April 7, 1851. The majority of the settlers were at this time in and near Moneek, while the center of

¹⁸⁶ *Laws of Iowa, 1850-1851*, p. 37, 1854-1855, p. 211; *Iowa Official Register, 1909-1910*, p. 715.

¹⁸⁷ Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), p. 397.

¹⁸⁸ *Laws of Iowa, 1846-1847*, p. 81, 1850-1851, p. 39.

interest seems to have been at Decorah. When the day of election came, the people of Moneek failed, for some reason, to receive the required poll book and were left to their own resources to devise a poll book and conduct the election. Under the circumstances it is not strange that they made some legal mistakes, and allowed a few illegal votes to be cast. Whether or not the failure to deliver a poll book was part of a scheme to bring about this result and thus defeat Moneek has never been known. At any rate, as a result of irregularities in voting the votes cast at Moneek were all discarded and the result declared in favor of Decorah. This ended the contest in so far as Moneek was concerned, but Decorah was soon confronted with a contest from another source.

The town of Freeport had by this time become prominent in the county, and aspired to the honor of obtaining the county seat. Pursuant to this idea a petition was circulated in 1856 asking for a vote upon the question of removal from Decorah to Freeport. This was signed by 420 voters, but was met by a remonstrance signed by about 800 persons asking that no vote be taken. Accordingly Judge David Reed of the county court ruled that no election should be held. In the following July another petition was presented. This, too, was met by a remonstrance and again a vote was denied. Thus Decorah retained the county seat.

Following this contest, the location of the government land office at Decorah and the erection of a courthouse costing \$6000 virtually settled the county seat contest in favor of Decorah.¹⁸⁹

Woodbury County.—One of the fifty counties established in 1851 was given the name of Waukaw. By the terms of

¹⁸⁹ Alexander's *History of Winneshiek and Allamakee Counties, Iowa*, pp. 173-176; Andreas's *Illustrated Historical Atlas of the State of Iowa* (1875), pp. 350, 351.

the law passed on January 12, 1853, relative to the organization of counties, Charles Wolcott of Mills County, Thomas L. Griffith of Pottawattamie County, and Ira Perdu of Harrison County were appointed commissioners to locate the county seat. This law, under the provisions of the Code, became effective on July 1, 1853. On the same day that this law was approved another law was passed which changed the name of Waukewau County to Woodbury. This law became effective by publication on January 22, 1853.¹⁹⁰

The locating commissioners met and agreed upon a part of section 1, township 88, range 48, as a place for the county seat. This was given the name of Floyd's Bluff, but was sometimes called Sergeant's Bluff—both names being in honor of Sergeant Charles Floyd, a member of the Lewis and Clark expedition who died at this location in 1804.¹⁹¹ A year or two after the organization of the county a town was established about two and one-half miles from Floyd's Bluff and was given the name of Sergeant's Bluff City which is the present town of Sergeant's Bluff. In April, 1855, a petition was presented to Judge Orrin B. Smith of the county court, asking for a removal of the county seat from "Sergeants Bluffs to Sergeants Bluffs City". Although there is a report that this question was voted upon and carried, it does not appear that any change was made. At all events early in the year 1856, the county judge held a session of court at Sioux City, because, as he said, there was no proper place at the county seat. This could not truthfully have been said of Sergeant's Bluff City. In March, 1856, a petition was presented to the judge for a

¹⁹⁰ *Laws of Iowa, 1850-1851*, p. 33, 1852-1853, pp. 22, 28; *Code of 1851*, p. 5.

¹⁹¹ *History of the Counties of Woodbury and Plymouth, Iowa*, pp. 50, 74, 265.

vote upon the question of a removal of the county seat to Sioux City. This was voted upon at the following April election, and carried by a large majority. Thus Sioux City became the county seat and has retained that position to the present time.¹⁹²

Worth County.—Worth County was another of the counties established in 1851. It was organized under the provisions of the general law passed in 1853 for the organization of counties, although officers were not elected until 1857.¹⁹³ Even before the county was organized there developed a rivalry for the county seat between the towns of Bristol and Northwood. The former being in the western part of the county was given an advantage in 1857 by the influx of a large number of immigrants to that section. In order to make their position more secure the citizens of Bristol made application to the legislature at its session in 1857-1858 for a law changing the boundary of the county, their purpose being to secure such a change as would place Bristol near the geographical center. This plan, however, did not prove successful.

Early in the spring of 1858 Judge Samuel Murdock of the tenth judicial district appointed O. P. Harwood of Mitchell County, a Mr. Van Patten of Cerro Gordo County, and George Finney of Winnebago County as commissioners to locate the county seat of Worth County. These men located the county seat at Bristol on May 7, 1858. Here the first court was held, and county business continued to be transacted here until 1863, in spite of the fact that Northwood made repeated attempts to secure the county seat.

¹⁹² *History of the Counties of Woodbury and Plymouth, Iowa*, pp. 50, 74, 264, 265; Marks's *Past and Present of Sioux City and Woodbury County, Iowa*, pp. 792, 793, 809, 810.

¹⁹³ *Laws of Iowa, 1850-1851*, p. 37, 1852-1853, pp. 28, 29.

In 1863 the question was submitted to a vote, which resulted in a removal to Northwood by a vote of 115 to 40. This ended the county seat controversy.¹⁹⁴

Wright County.—Wright County was established in 1851 and four years later it was attached to Webster County. In the fall of 1855 the county was given a separate organization, a full staff of county officers was elected, and the county seat was located at the village of Liberty in Liberty Township. This being located near the western border of the county there developed an agitation for a county seat in a more nearly central location. In 1865 an election was held submitting to a vote of the people the question of a removal to Clarion, the geographical center of the county. This change was approved, and Clarion became the county seat. This location is quite universally accepted as a fortunate one.¹⁹⁵

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¹⁹⁴ *History of Mitchell and Worth Counties, Iowa* (1884), pp. 557, 558, 713; Gue's *History of Iowa*, Vol. III, pp. 435, 436.

¹⁹⁵ *Laws of Iowa, 1850-1851*, p. 30, 1854-1855, p. 211; Gue's *History of Iowa*, Vol. III, p. 437.

CONSTITUTIONAL LIMITATIONS ON INDEBTEDNESS IN IOWA

The Constitution of the State of Iowa places specific limitations upon the power of the legislature to incur State indebtedness and the power of the counties and other political or municipal corporations to become involved in debt beyond a certain per cent of their taxable property has also been curbed by the Constitution. These provisions are very important in maintaining the stability and credit of the State and in protecting the just and lawful rights of the citizens. Every dollar of expenditure and indebtedness of the State must be paid out of the revenues and taxes collected and if these fail to meet the needs of the State or its political sub-divisions increased revenues must be raised and higher taxes levied. These limitations are, therefore, significant to the taxpayer. The constitutional limitation, however, applies only to bonded indebtedness, and the treasury deficit of Iowa has frequently exceeded the amount fixed as the maximum of the bonded debt.¹

For this reason, the occasion which gave rise to the placing of such a provision in the Constitution is interesting and may be understood by a careful survey of the development of constitutional government in Iowa.

PUBLIC FINANCE IN THE TERRITORY OF IOWA

The first independent government in Iowa was that provided for in the Organic Act, passed by Congress on June 12, 1838,² which divided the Territory of Wisconsin, and

¹ *Report of the Treasurer of the State of Iowa, 1918-1920*, pp. 23, 24.

² *Laws of the Territory of Iowa, 1838-1839*, p. 40.

out of that portion lying west of the Mississippi River created the Territory of Iowa, and provided a temporary government for the new Commonwealth. The new government thus created was closely modeled upon that of the Territory of Wisconsin, although some minor changes were made.³ According to this act the salaries of the officials and the general and contingent expenses of the Territory were to be paid out of the Treasury of the United States. Moreover, an appropriation of \$20,000 was made for the erection of government buildings and \$5000 was provided for the purchase of a library to be kept at the seat of the government.⁴ Little wonder then, under such circumstances, that many of the inhabitants of Iowa Territory even in 1845 were still opposed to the idea of statehood, since the State would be expected to pay the expenses of its own administration.⁵

The Organic Act of June 12, 1838, also provided for the annual appropriation by Congress of a sufficient sum of money for defraying the expenses of the territorial legislature, the printing of the laws, and other incidental expenses. This money was to be expended by the Secretary of the Territory and he was to account for its disbursement to the Secretary of the United States Treasury.⁶ There was no limitation as to the amount that might be spent, an omission which perhaps explains in part at least the liberal spirit manifested by the members of the first territorial legislature in Iowa. Money was lavishly expended and a number of unnecessary officials employed, contrary to the

³ Shambaugh's *History of the Constitutions of Iowa*, pp. 105, 106.

⁴ *Laws of the Territory of Iowa, 1838-1839*, pp. 37, 39.

⁵ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 215-217, 400.

⁶ *Laws of the Territory of Iowa, 1838-1839*, p. 37.

wishes of Governor Robert Lucas.⁷ Just how all of these expenditures were accounted for it is difficult to state, but shortly after James Clarke was appointed Secretary of the Territory, he reported that the deficiency of the year previous, that is the claims against the Territory still unsettled, amounted to from four to five thousand dollars.⁸ Had there been a limitation on the amount of money that might be expended by the Secretary of the Territory, this default might never have occurred.

THE CONSTITUTIONAL CONVENTION OF 1844

One of the first acts of the Constitutional Convention of 1844, after permanent organization had been effected, was the designation of a number of standing committees, each of which was to assume responsibility for a particular phase of the constitution to be drafted. The last of these eleven committees was the one on State debts.⁹ On Wednesday morning, October 9th, Shepherd Leffler, President of the Convention, announced the following as members of this committee, namely, O. S. X. Peck, Samuel W. Bissell, Robert Brown, Theophilus Crawford, Geo. Hobson, Thos. J. McKean, and Samuel W. Durham. Of these men, five were Democrats and two were Whigs; two were farmers, one a lawyer, one a physician, one a civil engineer, one a surveyor, and one a merchant; all had been in Iowa at least four years and none more than six years; their ages ranged from twenty-seven to forty-three years, and their average age was approximately thirty-two years.¹⁰ Upon

⁷ Parish's *Robert Lucas*, pp. 220-222.

⁸ Parish's *Robert Lucas*, pp. 225, 226.

⁹ *Journal of the Constitutional Convention*, 1844, p. 12.

¹⁰ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 408-410; *Journal of the Constitutional Convention*, 1844, p. 15.

this group of men devolved the duty of drawing up a proviso for the limitation of State indebtedness and the determination of the extent to which the State might borrow upon the public credit.

The first report of the Committee on State Debts was made on Thursday, October 10th, and read as follows :

1. The Legislature shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged ; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law shall be applied only to the specified object therein stated or to the payment of the debt thereby created, and such law shall be published in all the newspapers in the State for three months preceding the election at which it is submitted to the people.

Upon motion of George Hepner, this report was laid upon the table, and one hundred copies of it were ordered to be printed.¹¹

On Tuesday morning, October 15th, the reports of the Committee on Internal Improvements and the Committee on State Debts were again taken up for consideration, but upon the motion of Mr. Hepner the report of the former committee was again laid upon the table. Andrew W. Campbell then moved to amend the report on State debts by striking out the words, "singly or in the aggregate, with

¹¹ *Journal of the Constitutional Convention, 1844*, p. 18.

any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until the principal and the interest thereon shall be paid and discharged; but no such law shall take", and to insert in lieu thereof the words, "not necessary to defray the expenses of the government, unless the Legislature shall have authorized and the Governor approved the same, for some single object, and the same not to go into".

Following the proposal of Mr. Campbell, Elijah Sells offered to amend the proposed amendment by inserting after the words "expenses of the government" the words "and to secure the property of the State against loss." The proposal of Mr. Sells was, however, rejected.¹²

Mr. Chapman then expressed his desire to know "the object of giving the Governor the power proposed in the amendment." The Governor's power was in fact already equal to that of the legislature and of the people. "If the Legislature proposed a plan, he might destroy at once what the Legislature had done, and the people themselves could

¹² *Journal of the Constitutional Convention*, 1844, pp. 60, 61. In the *Journal of the Convention*, pages 60 and 61, it is stated that Mr. Campbell, of Scott, moved to amend the report, by striking out all that occurs between the word "shall" at the commencement, to the word "shall" in the eleventh line, and insert "not be necessary to defray the current expenses of the government, unless the same shall be authorized by an act of the legislature, for some specific object or work which shall be distinctly specified therein, but no such act". This does not agree exactly with the amendment quoted from the *Fragments of the Debates*; the latter, however, is evidently correct.

do no more.” Later Mr. Chapman explained that “he came pledged to vote against letting the Legislature create indebtedness, without the people sanctioned it.” In his opinion this “was the true Democratic principle”. Personally he was confident that the people could be trusted with the question of indebtedness, and he believed that it was a wise provision “to let the people decide upon questions of this character.”

Mr. Peck opposed the proposal of Mr. Campbell, asserting that “It would give the Legislature the right to create debts, and borrow to pay it, and to borrow money to pay the interest on what they had borrowed.”

Richard Quinton was likewise opposed to the proposition. “He was pledged against allowing any such opportunity to create indebtedness. The Legislature might authorize any amount, if the people would vote for it.” Like Mr. Chapman, he too had great confidence in the people, “but political gamblers and speculators would get up schemes that would dazzle and deceive them into running in debt.”

Robert Lucas was of the opinion that the provision which required the legislature to provide means for the payment of any debt or liability that might be incurred was important. This would furnish the people with information as to how the liability was to be met. He, however, opposed the plan of extending a debt over a period of thirty-five years. This “was more than a generation — and he was opposed to creating a debt for posterity to pay.” To him nineteen years represented about the average lifetime, and the “existence of a debt should be limited to 20 years.”

Jonathan C. Hall then entered the discussion and stated that “when he first saw in the report of the Committee the proposition to submit questions to the people, he thought it a splendid spectacle — to let the voice of the people decide. It excited his imagination — the idea seemed magnificent.”

But upon reflection he found himself opposed to the policy. "He had confidence in the people — but it was a step that struck at the representative form of our government. It was taking from the Legislature what had been its right, and its province." If this policy were continued the time would come when the only business of the legislature would be "to offer projects to the people." He also declared: "Like persons alarmed, we were fleeing, not from danger, but into it He took the position before the people that the Legislature should not create a debt without providing means to pay it If the Legislature passed a law that made taxes oppressive, the people would not elect them or any others to do the same thing again. That was the proper remedy. He would not throw this matter into the field of speculation and excitement, where gamblers and designing men might have opportunity of deceiving the people to their ruin."

A few further remarks were made by ex-Governor Lucas and then, upon motion of Lyman Evans, the Convention adjourned. The question of adopting Mr. Campbell's amendment, however, was taken up shortly after the opening of the afternoon session and decided in the negative. A motion by Ralph P. Lowe of Muscatine to have the report engrossed and read a third time on the following day was then adopted.¹³

Although the motion of Mr. Lowe on October 15th called for a third reading of the report on State debts on the following day, it was not until the afternoon session of October 29th that the report was read a third time before the Convention. On motion of Mr. Hepner the article was referred to a select committee with instruction to strike out "thirty-five" and insert "twenty" in its place. The effect of this change was to greatly reduce the time for which

¹³ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 47-50.

authorized indebtedness might run. The motion was agreed to, and George Hepner, James Grant, and Joseph C. Hawkins were appointed as members of the committee by the chair. Shortly after their appointment, the special committee, through their chairman, Mr. Hepner, reported the Article on State Debts back to the Convention with the changes as ordered. The corrected report was read a first, second, and third time, following which the question was put upon the final passage of the article. It was decided in the affirmative, the vote being fifty-seven to twelve.¹⁴

This provision, which became Article VIII of the Constitution, read:

OF PUBLIC DEBTS AND LIABILITIES

1. The Legislature shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interests of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in newspapers in the State for three months preceding the election at which it is submitted to the people.¹⁵

The article as thus incorporated in the Constitution of

¹⁴ *Journal of the Constitutional Convention*, 1844, pp. 166, 167.

¹⁵ *Journal of the Constitutional Convention*, 1844, p. 199.

1844 aroused very little press comment. Quite naturally, however, the friends and opponents of the new instrument of government saw in the provision something that would lend strength to their arguments. *The Iowa Capital Reporter*, speaking in this connection, said: "The provision in relation to the State indebtedness, cannot be spoken of in too high terms; and we see in this, the first serious attempt on the part of Iowa, to escape that abyss which has engulfed many of our sisters in the confederacy." At another time *The Iowa Capital Reporter* quoted the objections of the Whigs to the Constitution, taken from an article in the *Iowa Standard*. Among other objections the following was offered: "Because it took from the people the right they possess *individually*, and ought to enjoy *collectively*, to borrow money, if they desire it, for the improvement of the country, and the development of its natural resources."

James M. Morgan in a speech before the territorial House of Representatives on May 31, 1845, stated that one of the reasons for the popularity of the Constitution of 1844 was the fact that the people "are protected against the possibility of the perpetration of any of the Bank Charter and Internal Improvement and State Debt frauds, which have in times past been sprung like deadfalls upon the people of other States through the action of purchased, perjured and corrupt public agents."¹⁶

Thus, what to one group of individuals appeared to be an advantage and safeguard to the people, by another was considered as a handicap to progress and a check to prosperity. The Constitution, however, failed of adoption, and the limitation of the State debt was thus left for another Convention.

¹⁶ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 224, 225, 265, 266, 275.

The Constitution of 1844 having been twice rejected by the people of the State, it was decided that a Convention should be called for the purpose of drawing up a new Constitution. The delegates to this Convention accordingly met at Iowa City on May 4, 1846, pursuant to directions, and immediately set about framing a Constitution that would, if possible, meet the approval of the people.¹⁷

The number of delegates to this Convention was less than one-half the number who gathered at the Old Capitol building in 1844, for the same purpose. The number of standing committees was also reduced from eleven in 1844 to six in 1846.¹⁸

Among the six standing committees in the Convention of 1846 was one on "Incorporations, Internal Improvements, and State Debts". The members appointed to this committee by the President were: Curtis Bates, Thos. Dibble, James Grant, David Olmsted, and Sulifand S. Ross. All were Democrats and two, Grant and Ross, had been members of the Constitutional Convention of 1844. Of these five members, two were lawyers, two were farmers, and one was a trader. All had been in Iowa from five to eight years.¹⁹

This committee, to whom was referred the Article on State Debts, made its first report on Thursday morning, May 7th, reporting the article as it had been incorporated in the Constitution of 1844, without change except that it was entitled "STATE DEBTS" instead of "OF PUBLIC DEBTS

¹⁷ *Journal of the Constitutional Convention*, 1846, p. 23.

¹⁸ *Journal of the Constitutional Convention*, 1844, p. 12, 1846, pp. 25, 26; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 408-415.

¹⁹ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 408-415; *Journal of the Constitutional Convention*, 1846, pp. 25, 30.

AND LIABILITIES". The report was not discussed, but the usual number of copies was ordered to be printed.²⁰ On Wednesday, May 13th, the report on State debts was again taken up and read a second time. Following its reading, John J. Selman moved to amend the Article by striking out the word "Legislature" in the first line and inserting in its place the words, "General Assembly". This motion was agreed to and the amendment adopted.

Henry P. Haun then proposed to amend the Article by striking out the words "in newspapers" in the clause which reads, "and such law shall be published in newspapers in the State for three months preceding the election at which it is submitted to the people", and to insert in their stead the words "each Judicial District". This proposal was not agreed to. It was, however, an attempt to fix rather definitely the number of places in which a law, proposing to increase the indebtedness of the State beyond a specified amount, must be published within the time limit set preceding the election at which it is submitted to the people for their approval. Following the defeat of this proposal, George W. Bowie offered to insert the word "twelve" so as to fix the number of places even more definitely, but his proposition was also decided in the negative. Still another motion was made to fix the number at not less than three different places in the State, but it was defeated also.

Mr. Selman then moved to strike out, "and such law shall be published in newspapers in the State for three months preceding the election at which time it is submitted to the people." This would do away with the necessity of publication at all. The amendment when put to a vote was not agreed to.

Somewhat later in the course of discussion Mr. Haun

²⁰ *Journal of the Constitutional Convention*, 1846, pp. 38, 39.

proposed to strike out the words, "newspapers in", in the clause above referred to by Mr. Selman, and to insert the following: "At least one newspaper in each Judicial District, if one is published therein, throughout". This amendment embodied the same intent as that previously offered by Mr. Haun, and when the question was put upon its adoption, it was agreed to.

During the discussion of this Article a number of amendments were offered which proposed to raise the limitation on the power of the legislature to contract debts from one hundred thousand dollars, to two, three and five hundred thousand dollars, but all were defeated. Stephen B. Shelledy²¹ proposed to strike out the whole report dealing with limitations on State debts and to substitute the following: "The people have a right to contract debts by their representatives whenever in their opinion the public interest require it." This amendment was likewise defeated, the vote being nine for and twenty-two against.

George Hobson then moved to amend the report by striking out as follows, "which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and the interest thereon shall be paid and discharged". This proposal was defeated by a large majority vote. Thus, out of thirteen proposed amendments or amendments to amendments to the Article under consideration only two were adopted and the report remained practically unchanged.

²¹ There is a disagreement among writers in regard to the spelling of the name of Stephen B. Shelledy. He was a member of two Constitutional Conventions, that of 1844 and of 1846. The journal of 1844 has his name attached to the Constitution as "Shelledy", although throughout the journal it is spelled "Shelleday". The journal of 1846 uses the latter form.

On motion of J. Scott Richman the report was ordered to be engrossed and referred to the Committee on Revision. On Thursday afternoon, May 14th, the Committee on Engrossment reported the Article on State Debts correctly engrossed, but no further action was taken in regard to this report before adjournment. The article was again taken up for consideration late Saturday afternoon, May 16th, read a third time, and adopted by the Convention.²² In its final form the Article read:

STATE DEBTS

1. The General Assembly shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object, or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each judicial district, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.²³

This part of the new Constitution, while designed for the purpose of safeguarding the finances and credit of the State, was looked upon by many as a block to progress and

²² *Journal of the Constitutional Convention*, 1846, pp. 79, 80, 81, 82, 89, 102.

²³ *Journal of the Constitutional Convention*, 1846, p. xiv.

a hindrance to the development of internal improvements. Very few of the debates and press comments of this period have been preserved, but fortunately there is just enough on both sides of the issue to lend color to the situation.

The Iowa Capital Reporter, a Democratic publication, in discussing the Article on State Debts, on May 27, 1846, said:

STATE DEBTS

The attention of our readers is invited to the very judicious provision engrafted upon our Constitution, under the above head.

The limitation to, and checks upon the debt creating power of the General Assembly, it will be seen, are the same as those contained in the constitution submitted last year. So far from their forming a new feature, similar provisions, almost in the precise terms, have since been engrafted upon the revised constitutions of N. Jersey, Missouri, Louisiana, and Texas.

Though it is a provision which sufficiently recommends itself, yet, strange as it may appear, there was an organized opposition to it in the Convention.²⁴

Since the great majority of the members of the Convention and all of the members of the Committee on State Debts were Democrats, it was only natural that the Democratic publications should speak well of the work of the Convention. The other side of the question is, however, well presented in a public address by Wm. Penn Clarke, published in the *Iowa Standard*, a Whig newspaper, on July 20, 1846. Mr. Clarke was at this time a candidate for a seat in the Council or upper house of the territorial legislature. In discussing the various features of the Constitution of 1846, he dwelt at some length upon the subject of internal improvements and State debts. He opposed the Constitution because it prohibited banks and other corporations and presented his opinion in the following words:

²⁴ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 341.

The inventive spirit of the age is at work to annihilate time and space and bring the markets of the East and South to the doors of the Western Agriculturist. If we would maintain our proper position in the Union, we must march in the footsteps of our Western sisters, and engage in these undertakings.— To refuse, is to exclude our products from the great markets of the world. The 8th article of the proposed Constitution, headed “State debts,” and the second section of the article on Incorporations, relate to this subject. The article on State Debts is tantamount to an inhibition of the construction of such works by the State government. It is such, because it restrains the government from anticipating the revenue of the work, and borrowing money, as is usual all the world over, for its creation. It requires, then, that such improvements shall be made by *direct taxation*, and that taxation is to commence, and continue with the progress of the work. This is impolitic, for the reason that it is using capital which might be employed to greater immediate advantage in other ways. It not only deprives us of the use of foreign capital, which might easily be obtained at a reasonable interest, but it throws the whole burden of the construction of such works upon the citizens of the State. It deprives the people collectively of a right they possess individually—the right to throw their credit and character into market, and make them serve the purposes of capital. The State government is but an aggregate individual, is subject to the same laws of finance, which govern single persons, and should possess the same liberty to make contracts that individual citizens enjoy. But could this obstacle be removed, the subsequent provisions of the same article, would defeat the construction of works of Internal Improvement. The work of Legislation is taken out of the hands of the law-making department, and referred to the great mass of the people. The question of sectional interests, is now transferred from the few to the many, and it now becomes, *not a question of State Policy*, designed to benefit the whole community, but is narrowed down to a simple question of *individual interest*. Every voter will examine whether the proposed work will enhance the value of his location, directly leaving out of view, great and fundamental principles and their results, direct and remote; and if he is satisfied that it will put money into his pocket, and take but little out, he will vote for the measure, and *vice versa*. Thus, that sectional interest, which com-

mands the bulk of population, will get the desired improvements, whilst the minority will be burdened with taxation, and receive no benefit. This measure cannot fail to destroy every thing like a uniform and permanent system of Internal Improvements, and involve the people in questions of finance, which they have neither the time or inclination to investigate. This provision, while it will secure but a doubtful good, will certainly be productive of a great deal of evil.²⁵

The Constitution as drafted by the Convention of 1846, was finally submitted to the people on August 3, 1846, and was ratified by a small majority of four hundred and fifty-six votes. On September 9th, following, Governor James Clarke issued a formal proclamation declaring that the Constitution had been ratified and adopted. Soon after the election of State officers and the inauguration of the new Governor, a copy of the Constitution was presented to the House of Representatives at Washington and after several days was approved by Congress. The official sanction of President James K. Polk was received on December 28, 1846. Accordingly Iowa was admitted to full membership into the Union and for the first time constitutional restrictions were placed upon the power of the Iowa legislature to create a State debt or liability beyond a definitely specified amount.²⁶

THE CONSTITUTIONAL CONVENTION OF 1857

When the Constitution of 1846 was submitted to the people for their approval, much of the opposition offered to it was due to the fact that it greatly restricted the activities of corporations and thereby delayed the economic and industrial development of the State. The general sentiment throughout the Territory, however, favored the adop-

²⁵ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 351-355.

²⁶ Shambaugh's *History of the Constitutions of Iowa*, pp. 324, 325, 326, 327.

tion of the Constitution as the shortest and quickest means of gaining admission to the Union. The people were aware of the fact that the new Constitution was not without its faults, but at the same time these defects were not considered as serious enough to warrant its rejection — they could be remedied later after statehood had been obtained. With such sentiment prevailing the Constitution was adopted by a small majority.²⁷

Immediately following the ratification of the Constitution, however, agitation was started for its modification, but the procedure for its amendment was rather difficult. Article XI of the Constitution read as follows:

If at any time, the General Assembly shall think it necessary to revise or amend this constitution, they shall provide by law for a vote of the people for or against a convention, at the next ensuing election for members of the General Assembly, in case a majority of the people vote in favor of a convention, said General Assembly shall provide for an election of Delegates to a convention, to be held within six months after the vote of the people in favor thereof.²⁸

Although attempts were made in every session of the legislature to pass an act providing for the calling of such a convention to revise or amend the Constitution, it was not until 1855 that this was actually accomplished. Thus, before the delegates assembled to effect the desired changes in the Constitution of 1846, it had already been in operation for a period of ten years.²⁹

Shortly after permanent organization of the Convention of 1857 had taken place, it was decided that there should be twelve standing committees of five members each to carry on the work. Among these was a Committee on State

²⁷ Shambaugh's *History of the Constitutions of Iowa*, pp. 329-331.

²⁸ Article XI of the Constitution of 1846 in the *Journal of the Constitutional Convention*, 1846, p. xvii.

²⁹ Shambaugh's *History of the Constitutions of Iowa*, pp. 331-336.

Debts. On this committee the President appointed James F. Wilson, H. D. Gibson, William A. Warren, Squire Ayers, and Alpheus Scott. The Committee on State Debts represented five different lines of work, consisting of a lawyer, merchant, mail contractor, real estate agent, and a farmer. To the combined genius of these men was entrusted the task of drawing up regulations to limit the borrowing power of the State.

STATE DEBTS

The first report of the Committee on State Debts was made on January 27, 1857, and in part related to the expediency of prohibiting counties, cities, and other corporations from becoming stockholders in joint stock companies. Mr. Wilson, the chairman of the committee, recommended that the Convention should take no action upon this matter. Amos Harris, however, moved that it be referred to the Committee on Incorporations for their consideration. William Penn Clarke of Johnson County moved to amend this motion by having the report referred to the Committee on Miscellaneous Matter. The former motion, however, prevailed, and the report was referred to the Committee on Incorporations.³⁰

Mr. Wilson, chairman of the Committee on State Debts, then submitted to the Convention the following report which, he announced, had received the unanimous approval of the members of the committee:

1. The credit of this State shall not in any manner be given or loaned to, or in aid of any individual, association or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual association or corporation.

2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided

³⁰ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, p. 52; Journal of the Constitutional Convention, 1857, pp. 25, 26, 53, 54.*

for; but the aggregate amount of such debts, direct or contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of One Hundred Thousand Dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

3. In addition to the above limited power, to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

4. Except the debts specified in the second and third sections of this Article no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object to be distinctly specified therein: and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt created thereby, and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State for three months preceding the election at which it is submitted to the people.

5. The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt and liability which may have been contracted in pursuance of such law shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability.

6. Every law which imposes, continues or revives a tax shall

distinctly state the tax and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Immediately following the reading of this report Sheldon G. Winchester moved that it be laid upon the table and that one hundred copies be printed.³¹

This report was again taken up by the Convention on February 5th and each section thereof considered individually.

Section one was read and passed without discussion or amendment. Section two, which set the amount of indebtedness that might be incurred at one hundred thousand dollars, was then taken up and discussed at great length. Many of the members contended that the limit set was altogether too low, and that as a consequence the State would be so helpless that it could not make necessary and needed improvements. For instance, it was felt that a new capitol building would soon have to be built, and under this restriction a number of the delegates could not understand how this could be accomplished. A difference of opinion as to what actually constituted an indebtedness according to the provisions of the Constitution of 1846, and the recommendations of the Committee on State Debts was largely responsible for the divided opinion as to what should constitute the maximum amount of indebtedness that the State might incur. To make clear the significance of this provision in the Constitution, the debates in the Constitutional Convention upon this question may be quoted at some length.

Mr. Wilson, in presenting this report, stated that he had "consulted with a majority of the members of the Convention before drawing it up, and the several matters set out

³¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 52, 53; *Journal of the Constitutional Convention, 1857*, pp. 54, 55.

in the different sections, seemed to meet with the views of members so universally", that he did not consider it necessary to explain the reasons for making such provisions, but would answer objections as they were proposed. Robert Gower moved to change the limitation from one hundred thousand to three hundred thousand dollars but Mr. Wilson was opposed to the State having any indebtedness at all and was convinced that no greater amount than that proposed by the committee should be allowed. This in his estimation would certainly be sufficient.

Following this expression of opinion, J. A. Parvin said:

I consider that the clause in the present constitution, upon this subject, has been the salvation of our State. I am satisfied that the mania for building railroads has prevailed so extensively in this State, within the last five or six years, that without such a clause in our constitution, we would have been in debt, at least, a million of dollars That sum was large enough at the time this provision was adopted, but three, four, or five hundred thousand dollars would not be so much now, perhaps, as one hundred thousand dollars was at that time. Cases might arise, in which it will be necessary to run the State in debt; and I do not think it expedient to submit the question to the people every time they wish to contract a debt for over one hundred thousand dollars.

Like Mr. Wilson, he too favored restrictions, but he believed the limitation must be much more liberal than it was under the existing Constitution.

George Gillaspie took the stand in defence of the report, his speech including the following statements:

The gentleman from Muscatine, (Mr. Parvin), in my judgment, made a very appropriate remark, when he said that the clause in the present constitution, in relation to State indebtedness had been the salvation of the State The people of this State, I believe, are almost crazy upon the subject of speculation.

This Convention is about to adopt a provision here, that will allow banking in the State of Iowa. My opinion is, that if we in-

crease the amount of this restriction, the next general assembly will not adjourn until they have made appropriations for various purposes to the full amount that they are allowed to contract debts by the constitution. If we adopt a provision here of that kind, it would be hailed with acclamation by every broker in the State, and the bonds of the State would offer the best security for banking that could be possibly presented, and by that very inducement you could persuade every body in the community to sign petitions asking the legislature to make appropriations for building a new capitol, asylums, and various other public institutions. What would be the result of all this? Why, the issue of bonds upon the treasury of the State, which the speculators might buy up for the purposes of banking. I undertake to say, had it not been for the provision in the constitution upon this subject, that the people ere this would have voted appropriations for railroads of upwards of ten millions of dollars.

J. C. Traer favored raising the limit of indebtedness: he did not wish to cramp the hands of the State in such a way that the ordinary expenses of the government could not be met without first submitting this question to the people. He also called attention to the fact that the last message of the executive showed that the total indebtedness of the State amounted to \$128,000. Speaking in this connection he said:

It appears to me, that when the constitution provides that the indebtedness of the State shall not exceed, in the aggregate, the sum of \$100,000, and when the executive tells us that the State has incurred a debt of \$128,000, we had better amend the constitution so as to give the officers of the State an opportunity of meeting the ordinary expenses of the government. . . . There is no doubt that we will soon be called upon to erect public buildings for the use of the State, and I would ask gentlemen how they can be erected with such a clause as that on State indebtedness contained in the present constitution?

As the debate thus proceeded, Mr. Wilson was induced to discuss the subject at great length, and to define the term

“debt” in the light that it was used in the section proposed by the committee. His discussion, although lengthy and detailed, is very important because it expresses very clearly what is and what is not a part of the indebtedness of the State. Among other things he said:

I wish to submit my views briefly upon this subject. I will state that this question of building a new State capitol, asylums, and other public buildings, was fully discussed by the committee before they agreed upon their report. It was with a view to the necessity of erecting these various public buildings, that the committee reported this sum of one hundred thousand dollars. We wished to prevent, if possible, the legislature from commencing a set of buildings that would cost to complete them from one to two millions of dollars. We wanted to have it understood before they were commenced, how much they would cost, and then let the people pass upon that question. Some states have commenced erecting their public buildings without limiting in the first place, the amount of the expenditure, and the consequence has been, that it has cost more to complete them than was originally intended. This was the case with the building of the new state house in Ohio, and it was found before its completion, that it would cost from four to five millions, an expense which the people of the State never contemplated should be incurred by the State. If you increase the amount of State indebtedness to three hundred thousand dollars, I ask you whether that will be sufficient, of itself, to cover the probable amount that these buildings will cost? You may commence building your capital, blind and deaf asylums, and before they are completed it will be found that three hundred thousand dollars will not be sufficient to complete them, and operations will have to be suspended until the question is submitted to the people. I think the best plan is to submit this question to the people in the first place, and let them determine what the buildings and their cost shall be, and then make the necessary provision accordingly, and not permit the legislature to go on and make such appropriations as they please. I believe with the gentleman from Wapello (Mr. Gillaspy), that at the very first session of the legislature after the adoption of this constitution, they will provide for the consumption of the

entire amount, even if you increase it to three hundred thousand, or five hundred thousand dollars.³²

*The terms "debt or liability" in this clause do not mean warrants that the State may issue upon the treasury. The State may issue her warrants upon the treasury even beyond the amount specified.*³³

Mr. Traer then asked, "Does the gentleman mean to put the same construction upon the present constitution?"

To this Mr. Wilson replied: "I do. I cannot see how the term 'debt or liability' can mean anything but a bonded debt. The state may draw her warrants upon the treasury, but if there is not money there, they cannot be paid, and those who hold them will have to wait."

Following this Mr. Traer read the first part of the section relating to the subject under discussion—"The General Assembly shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars." He then stated that he did not "understand that this means issuing the bonds of the State."

Mr. Wilson replied: "The only construction that can be placed upon that article in the Constitution is, that it applies to the bonded debt of the State If we are compelled to run the State in debt in order to meet the exigencies of the government, why not wipe away the restriction entirely, in order that the legislature may have full play?"

Mr. Parvin in turn stated that if the views of Mr. Wilson were correct, then he, himself, did not understand what a

³² *Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 260-264.

³³ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates* in the *Annals of Iowa* (Third Series), Vol. III, p. 636.

debt is. According to the construction placed upon this term by Mr. Wilson, the State could issue warrants for any amount and yet at the same time not violate this section of the Constitution. "I do not wish to see such a state of things", said Mr. Parvin, "and I want this constitution to mean just what it says, that this State shall never go into debt, or be liable beyond a certain amount, unless the question is first submitted to the people as provided for in this second article."

Mr. Traer then wanted to know if Mr. Wilson put the same construction upon the section proposed by the Committee on State Debts as he did upon the article in the Constitution of 1846. Mr. Wilson answered: "That is the only construction I put upon either of the articles."

"Suppose", said Mr. Traer, "we incorporate into the Constitution a provision preventing the State from running into debt, what is to prevent the State from running into debt for putting up State buildings, and issuing her warrants?"

To this Mr. Wilson replied: "There is just this about it. — I presume in relation to debts contracted by the State, that parties will take the same position that they would in contracting with individuals. They will endeavor to ascertain in the first place, whether the parties with whom they contract can pay. Before making a contract for the erection of public buildings, you will have to determine when the payments are to be made. If the State cannot create the debt and meet the payments, then as a matter of course, no contract will be made."

Further discussion of this section and of the question as to what constituted a debt of the State within the meaning of the Constitution followed and a vote was then taken upon a motion to strike out the words "one hundred thousand". It was agreed to by a vote of eighteen to nine.

Motions were then made to substitute for the omitted words "two hundred and fifty thousand" and "five hundred thousand". Concerning these proposals Mr. Wilson said:

I hope this amount of five hundred thousand dollars will be voted down. And I perceive there is a misapprehension in the minds of some members I have conversed with, in relation to my position upon this matter. I will state that my position is this; the State can issue her warrants to the full extent of the probable amount of her revenue for the coming year, whether two, five or even ten millions of dollars, without coming within the operation of this article of the constitution. But should she exceed that revenue, then she is creating a debt within the contemplation of this article.

Among the arguments made upon the subject the following speech by Wm. Penn Clarke of Johnson County may be quoted:

I have but few words to say upon this subject, and I should not say these words did I not conceive that there was a very radical difference in the minds of the members of this convention as to the nature of government, and what it is proper for us to do here. I understand it to be a well settled axiom, to which all parties agree, that the people are the source of power; that all political power comes from them. We are sitting here by virtue of that power, and are to make a government to be carried on by virtue of that power. We are to make a representative government in which the public voice is to be expressed, and through which the people are to act. This proposition is what? It is a proposition to tie up, not the hands of this government, but the hands of the people. We are called upon to put a check, not upon the government, but upon the people themselves. If there must be a check, I am willing to give the government a very large latitude here. I shall vote, perhaps, to make the sum to be inserted here five hundred thousand dollars, for the simple reason that five hundred thousand dollars now is not larger, in comparison, than the one hundred thousand dollars which we had ten years ago, when the present constitution was framed and adopted. I hope we shall make a constitution here under

which the government shall be established, and under which it will be enabled to work so that in ten years we shall not find ourselves, as we are now, under a government so cramped as to be inadequate to the wants and necessities of the people. I can conceive of many things which will call for the expenditure of money, that are vital to the protection, happiness and prosperity of our people. There are many matters far more important than that of building a State House, or any kind of institution. And I do not desire, when the time comes and the emergency arrives, to have this constitution so arranged as to stand in the way of the progress and prosperity of the people.

Now I am afraid that some members of this convention are not so willing to trust the people after all. If the people send foolish men here to represent them and make laws for them, who will spend their money for them unnecessarily, it is their business, not ours. We are not sent here to guard and watch the people, and place a check upon them and prevent them from acting for their own good. And yet it seems to be the idea of many members of this convention that unless we so check the government we are not doing our duty. I shall vote for the largest amount here, for I believe the time will come in less than ten years, when circumstances will arise that will require this State to go into debt to the amount now named. If those circumstances do not arise, then the debt need not be incurred, and no harm will be done.

The position taken by Mr. Clarke induced Edward Johnstone, one of the leading lawyers of the Convention,³⁴ to remark:

I differ in *toto* from my friend from Johnson, (Mr. Clarke,) when he says we are not sent here to place limitations and restrictions upon the future action of the legislature. I think that is our business, and I think it is highly important that we should do so,

³⁴ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates in the Annals of Iowa* (Third Series), Vol. III, p. 639.

The name of Edward Johnstone has been spelled with and without "e" by different writers. The journal of the Constitutional Convention of 1857 does not use the "e" except where Mr. Johnstone's name is attached to the Constitution. The debates of this Convention do not use the "e" at all. However, most articles written in regard to Mr. Johnstone, spell his name with an "e".

if we are to believe the half that has been said in this hall about the rascality and villainy of the legislature. I regret that the sum of one hundred thousand dollars was stricken out of this section. I am in favor of that sum, and think it is amply sufficient for all our purposes. My reason for thinking so is this: Gentlemen will recollect that this State is growing and progressing rapidly, and if they will look at the last report of the auditor, they will find for the next two fiscal years the estimated amount of receipts over the estimated expenditures is two hundred and fifty thousand dollars, which added to the one hundred thousand dollars which the state would go into debt under this provision as it was reported, would afford over three hundred thousand dollars for the expenditure of the State every year for these extraordinary objects. The rate of taxation now is forty mills on every one hundred dollars. That can be changed at any time, and if the State desires to raise a larger amount of money by taxation at any time than it now raises, it can easily do so. There has never been a time in the history of our State when it was so important that some restrictions should be placed upon the subject of state indebtedness, than the present. The people are all wild, all crazy upon the subject of making money. We all deem ourselves rich, or soon about to be. Probably two years hence it will be otherwise. And I tell you, gentlemen, that this is the sheet anchor of the security of this State, and we ought to cling to it.³⁵

I believe with the gentleman from Jefferson, (Mr. Wilson,) that the true interpretation of the words "debt or liability" is a bonded debt. It is so considered by all the lawyers with whom I conversed during the session of the legislature just adjourned, except Mr. Cloud of Muscatine. And if gentlemen will observe the article reported for our consideration by the Committee on State Debts they will perceive that it is in a much more contracted form than the old constitution. The old constitution says "debt or debts, liability or liabilities," while the provision under consideration says 'the credit of the State shall not, in any manner, be given or loaned to, or in aid of,' &c. That provision could not be interpreted as the gentleman from Benton, (Mr. Traer,) interprets it. And I say again that there never has been any time when it was more neces-

³⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, pp. 264-268.*

sary to throw these restrictions about the legislature than it is now.³⁶

A number of amendments were then proposed and discussed at length and finally it was agreed to set the limit of indebtedness at two hundred and fifty thousand dollars. This proposal was passed by a vote of sixteen to eleven. One other amendment to this section was offered at this time but failed of adoption.³⁷

Mr. Hall then proposed to add a new section to be inserted immediately following section two. His proposal read as follows:

That all losses to the government, school, or university funds of this State, which losses shall have been occasioned by the mismanagement or fraud of the agents, or officers, controlling or managing the same, shall be audited by the proper authorities of the State, and the amount so audited shall be a permanent bonded debt against the State in favor of these respective funds, upon which six per cent., annual interest shall be paid, for school and university purposes; the amount of liability so created shall not be accounted as a part of the indebtedness authorized by the second section of this article.

This amendment was designed to make the State responsible for these funds just the same as a private individual would be. At the same time it was hoped that it would make the people more watchful, for if they were compelled to pay taxes to make up the interest on these losses, naturally they would be more careful as to the selection of individuals for the safekeeping of such property.

An amendment to the proposed section was then offered and accepted changing the rate of interest to be charged

³⁶ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates in the Annals of Iowa* (Third Series), Vol. III, p. 637.

³⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 260-272.

from "six" to "ten" per cent. In this form the new section was adopted by the Convention.³⁸

Section three of the Article as reported by the committee was then passed without discussion and section four was taken up. Mr. Hall moved to amend this section by striking out of the first line the words "specified in the second and third sections of this article", and inserting, "herein specified", which motion was adopted. This change was made necessary by the insertion of the new section which also changed the numbers of the sections after section two. The remaining sections were then read and passed without alteration or amendment.

D. P. Palmer then proposed the following as an additional section :

Section —. Every contract made, or entered into, which either directly, or indirectly, increases the State debt, above the limit in this article prescribed, shall be null and void.

The aim of this section appeared to be the repudiation of all debts of the State which might be incurred beyond the prescribed limit. After thorough discussion it was rejected and upon motion of Mr. Clarke the report was laid upon the table. Before this was done, however, the Committee on State Debts was discharged. No further business being brought before the Convention, it adjourned for the day.³⁹

The report of the Committee on State Debts, together with the amendments offered in the Committee of the Whole, was further considered by the Convention on the following day. Each section was again read with corrections or alterations as determined on the day previous. Section one was agreed to without change. The amendment

³⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, p. 273.*

³⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, pp. 274, 275.*

offered in the Committee of the Whole to section two, substituting two hundred and fifty thousand in place of one hundred thousand, was accepted by a vote of eighteen to fourteen. No further amendments being offered, the new section (Section 3) offered by Mr. Hall, relating to the State's responsibility for the University and school funds in case of defalcation on the part of its agents into whose care it had been entrusted, was taken under consideration. The question as to what should be the proper rate of interest for the State to pay in cases arising under this provision was discussed in detail and finally it was decided that the State, like any other trustee, should not be compelled to pay exorbitant rates, and so it was moved and agreed to that the words "ten per cent" should be stricken out and the clause "not less than six per cent" inserted in lieu thereof.⁴⁰

No amendments were offered to section four and section five was also agreed to after the amendment offered in the Committee of the Whole to strike out the words "the second and third sections", and to insert between the words "debts" and "specified" the words "hereinbefore" had been accepted. Next in order was the reading of section six. Mr. Wilson moved that all after the word "until" be stricken out and the following inserted in place thereof: "the principal and interest are fully paid". This amendment was agreed to. Section seven was passed without change. Wm. Penn Clarke then offered the following additional section:

Sec. 8. Every contract made or entered into which, either directly or indirectly, violates the provisions of this article, shall be null and void.

Mr. Palmer supported this measure because he believed

⁴⁰ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 277-279.

that it would prevent the State from violating section two of this Article which sets the limit of State indebtedness at two hundred and fifty thousand dollars. "Let every person understand", he said, "that if he loans this State any money, in violation of this article, the State and the people of the State, do not hold themselves responsible for the repayment of that money."

On the other hand Mr. Parvin opposed the measure because he believed that the innocent dealer should not be made to suffer in case the agents of the State exceeded their constitutional authority. It was his opinion that the State should hold her agents responsible for their actions rather than shifting the responsibility on to innocent individuals.

Mr. Traer likewise opposed the measure, for to him it appeared that if this clause should be incorporated in the Constitution, the State would repudiate such debts and not hold the officials responsible for the misuse of their constitutional powers.

After similar discussion by the very ablest delegates the proposed section was put before the Convention for its acceptance or rejection: it was rejected by a vote of eighteen to thirteen. Following this vote the Article on State Debts was ordered to be engrossed and read a third time.⁴¹ The Committee on Revision reported the Article back to the Convention on March 4th with unimportant amendments.

The words "unless incurred in time of war for the benefit of the state" were added to section one and section six was amended by having the words "by law" stricken out, and the word "thereof" substituted for "of such law", near the close of the section. The Article on State Debts as thus

⁴¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, pp. 280-284.*

amended was finally put before the Convention and approved by a unanimous vote. In its completed form, this part of the Constitution read:

ARTICLE VII. STATE DEBTS

Section 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Sec. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Sec. 3. All losses to the permanent, School, or University fund of this state, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent, annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

Section 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Section 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by, or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall

impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; But no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Section 6. The Legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

Section 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.⁴²

Although this Article differed in minor details from the corresponding Article in the Constitution of 1846 the most important change made was the raising of the limitation on State debts from one hundred thousand dollars to two hundred and fifty thousand dollars. This limitation, however, refers only to the bonded and not the floating indebtedness of the State, as may be well understood from the debates. Furthermore the refusal of the delegates to add any amendments which included unpaid warrants under the provisions of Section 2 is evidence in itself that only bonded indebtedness was referred to by the Convention, although it

⁴² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1020, 1021.

has sometimes been interpreted as including floating debts as well. That this view has not generally been accepted, however, is shown by the fact that the State of Iowa has, at different times, had a treasury deficit which exceeded \$250,000.⁴³

COUNTY AND MUNICIPAL INDEBTEDNESS

The Constitution of 1846 provided ample safeguards for the protection of the State against indebtedness, but it failed to place any limitations upon the amount of debt that might be contracted by a county or municipal corporation. Before the members of the Constitutional Convention had assembled in January, 1857, the evils of this lack of restriction had manifested themselves in various counties and cities throughout the State. "One of the great and pressing political evils of the time was the reckless and extravagant use of the funding power by minor civil corporations for the promotion of banks, industrial organizations and internal improvements."⁴⁴ This matter was called to the attention of the legislature by Governor James W. Grimes in his message to the General Assembly which convened at Iowa City on December 1, 1856. Speaking in this connection Governor Grimes said:

The constitution wisely provides that the State shall not in any manner create a debt exceeding one hundred thousand dollars. The framers of that instrument did not imagine that there was as great a necessity to prohibit the counties from creating large public debts, for the reason that the history of the country did not then present the case of a county becoming a large stockholder in private corporations.

Within the past few years, however, so great has been the anxiety

⁴³ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates* in the *Annals of Iowa* (Third Series), Vol. III, p. 631.

⁴⁴ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates* in the *Annals of Iowa* (Third Series), Vol. III, p. 638.

to procure the construction of works of internal improvement, that many counties and cities in this State have adopted the very doubtful policy of creating municipal debts, for the purpose of becoming stockholders in railroads and other private corporations. The amount of municipal indebtedness already voted by the different cities and counties exceeds seven million dollars.

Without stopping to inquire into the authority under which the loans have heretofore been voted, it seems to me that prudence and sound policy require that some check be imposed upon the future exercise of this power to create public indebtedness. It is true that many investments made by the counties and cities may result profitably to the stockholders; but, it is equally true that many will prove disastrous, as some have already done.

Municipal corporations are designed for local and limited purposes, and it is a perversion of their organization when they are embarked in internal improvement beyond their jurisdiction. Nor is that an equitable principle which allows the people of one portion of a county to fasten an indebtedness upon a remote portion of the county, for other than legitimate county purposes. Equally unjust is it to allow the property of one man to be heavily burdened by taxation, imposed by the vote of another man, who is without property, without a household, and who sustains none of the burdens of government. There is a manifest propriety in allowing every man the right of suffrage, under ordinary circumstances. It is proper that every man should have the privilege to join in the selection of his own law-makers, and his own executioners, but there is not the same propriety in allowing to every man the privilege of creating an indebtedness for others to pay.

It occurs to me that too many checks and safeguards cannot be thrown around this power, if such power exists at all, of creating municipal indebtedness for purposes of internal improvements. It is a dangerous power, and liable to the grossest abuse.⁴⁵

This message, which was quite generally read throughout the State, left a lasting impression upon the public mind and caused people to think more seriously upon this question than ever before. As a result many who favored the bonding of the counties and cities for the purpose of pro-

⁴⁵ Salter's *Life of James W. Grimes*, pp. 87, 90, 91.

moting railroad schemes and the like were now convinced of the possible evils of this procedure and openly arrayed themselves against any scheme to involve the counties or cities in debt for other than governmental purposes.⁴⁶ Public and private discussions upon this issue were frequent and when the matter came before the Constitutional Convention in 1857 there was a difference of opinion among its members. Some of them were imbued with the speculative spirit of the times and were in favor of leaving the cities and counties free to incur any bonded indebtedness they wished, while others with perhaps greater experience and broader vision presented many arguments in favor of limiting such debts. More time was consumed in discussing this subject than any other single matter that came before the Convention, with the exception of banking.⁴⁷

That the question of county and municipal indebtedness deserved the serious consideration of the Constitutional Convention is evident from the fact that, according to information in the hands of the delegates, the counties of Iowa had already contracted debts the total of which ranged from six to eleven millions of dollars.⁴⁸ This was only the beginning of the period of speculation, for the first railroad in Iowa, running from Davenport to Iowa City and only sixty-seven miles in length, was completed on January 1, 1856. The bonded indebtedness on this road alone amounted to nearly one million dollars. The building of this railroad aroused widespread interest and every county and town in the State talked railroads: all kinds of promoters appeared and counties were extravagantly voting bonds to

⁴⁶ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 290.

⁴⁷ Herriott's *Iowa's Treasury Deficit in the Light of the Constitutional Debates in the Annals of Iowa* (Third Series), Vol. III, p. 638.

⁴⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 292.

promote railroad projects in their direction.⁴⁹ Newspapers greatly aided in encouraging such enterprises. The spirit which pervaded these newspaper articles may be illustrated by the following quotation:

Mills county, away out towards sunset, a new county, with less than 500 voters, has voted a loan of her credit to the Burlington and Missouri River Railroad for \$250,000, by a majority of 265! Well done, Mills! — That's the right kind of spirit, and her citizens will reap their reward in the future by having their county fill up rapidly with an enterprising, intelligent and thrifty population. How much longer will Washington county suffer her energies to be clogged and her resources undeveloped by an unwise policy with regard to railroad matters? Not longer we trust, than the 11th of December instant.⁵⁰

Some counties and towns, it is true, prospered greatly as a result of this sort of speculation, but others suffered proportionately. Private property was heavily taxed and bonds were authorized by small majority votes without regard to the rights of the individual. The bonds already issued by the political subdivisions far exceeded the limit to which the State itself might bond its resources. It was evident that many of these subscriptions would be total losses and prove ruinous to the county which had incurred them.⁵¹ Under the existing circumstances the recommendation of Governor Grimes in his message to the legislature in December, 1856, "that too many checks and safeguards cannot be thrown around this power", was also timely advice for the delegates to the Constitutional Convention which assembled on January 19, 1857.

The question of county and city indebtedness was first

⁴⁹ Cole's *A History of the People of Iowa*, pp. 280, 281.

⁵⁰ *The Washington Press*, December 3, 1856.

⁵¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 292.

brought to the attention of the Convention on January 23rd when John A. Parvin offered the following resolution and moved its reference to the Committee on State Debts:

Resolved, That the Committee on State Debts be requested to inquire into the expediency of preventing Counties and Cities from creating a debt for the purpose of aiding incorporated companies in work of Internal Improvement.⁵²

This resolution was adopted and the inquiry referred accordingly.

On Monday, January 26th, a similar resolution, offered by Squire Ayers, was passed. This resolution requested the Committee on State Debts to inquire into the expediency of adding the following as an amendment to the Article on State Debts:

That the State shall never assume the debts of any county, city, town or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war.

The General Assembly shall never authorize any county, city, town or township by vote of its citizens or otherwise to become a stockholder in any joint stock company, corporation, or association whatever, or to raise for, or loan its credit to, or in aid of, any such company, association or corporation.⁵³

On the following day the Committee on State Debts reported unfavorably upon both resolutions and recommended that the Convention take no action in regard to the matter, but on a motion by Amos Harris the resolutions were referred to the Committee on Incorporations for its consideration. Sections four and five of the report of the Committee on Incorporations made on January 30th referred to these resolutions in the following words:

⁵² *Journal of the Constitutional Convention*, 1857, pp. 38, 39.

⁵³ *Journal of the Constitutional Convention*, 1857, p. 49.

Sec. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly; nor in any other corporation or corporations to an amount exceeding, at one time, two hundred thousand dollars; nor shall the bonds or other evidences of indebtedness of any municipal or political corporation be issued or granted, or its credit loaned, directly or indirectly, or pledged as security, to an amount in the aggregate exceeding two hundred thousand dollars, at any one time.

Sec. 5. It shall be the duty of the General Assembly to provide by law for the restraint of municipal and political corporations in regard to assessments, taxations, borrowing money, contracting debts, issuing bonds, and loaning their credit, so as to prevent, as far as possible, unnecessary burdens and unjust taxation and frauds.⁵⁴

The reading of this report was dispensed with, it was laid on the table, and one hundred copies of it ordered to be printed.⁵⁵

On February 6th the report of the Committee on Incorporations was taken up for consideration before the Convention sitting as a Committee of the Whole. Sections four and five, relating to city and county indebtedness, were debated for nearly three days without a single change although a number of amendments were proposed, some of which were later adopted.⁵⁶ The question at issue was, shall such political corporations be limited in their power to contract indebtedness, and if so, to what extent? It was quite generally agreed that there should be a limitation, for it was evidently ruinous to permit the counties and cities to continue their policy of speculation. The craze for building railroads, incorporating banks, and other speculative projects made this a matter of no small importance to the Constitution framers, but there was a difference of

⁵⁴ *Journal of the Constitutional Convention*, 1857, pp. 53, 93.

⁵⁵ *Journal of the Constitutional Convention*, 1857, p. 95.

⁵⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 290-344.

opinion as to whether there should be a provision in the Constitution limiting county and municipal indebtedness, or whether this subject should be left for legislative action. Some counties were already heavily bonded, some were about to take similar steps, while a number of counties, which were just being organized, had had no opportunity of voting bonds for such improvements. Would it be just to place a restriction in the Constitution which would deny to these newer counties the privileges enjoyed by the older counties? Was it fair to the older counties, already heavily bonded, to encourage internal improvements, which would unquestionably benefit the neighboring counties if the newer counties were denied the right to continue the good work already begun? On the other hand, should property be subjected to heavy taxation because the owners were outvoted by the majority, who in many instances were not property owners at all? Would not such a doctrine be contrary to that section of the Bill of Rights which reads, "All men are, by nature, free and equal, and have certain inalienable rights . . . among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness"? Confronted by such questions as these it is not at all surprising that much time was consumed in deciding this matter.

To present the position of the delegates upon this subject, quotations from the debates will be made at some length.

John Edwards, delegate from Lucas County, was inclined to favor the idea of leaving the counties unrestricted in regard to subscriptions for internal improvements, for although he knew personally of cases where railroad stock had greatly depreciated in value, yet in his opinion the additional facilities for getting to market and the rise in real estate value amply compensated for this loss. Another

argument, he declared, "in behalf of the counties taking stock, is the fact that in my county about one-half of the land is owned by non-residents, a class of men who contribute nothing to the advancement and prosperity of the State. While the pioneers who have settled the State have done much in developing the resources and increasing the value of the lands of the State, these nonresidents have done nothing in this respect; and this mode of county subscriptions is the only way to reach them, and make them pay their proportion towards those improvements, which will contribute so much to the interest of the State."⁵⁷

George Gillaspay stated that when the question of voting bonds came up in Wapello County he was among the first to favor this idea, but since that he had become convinced that the whole thing was wrong. But, he added, "I do not believe that we, of the eastern part of the State, should now come up and decide this question for the people of the western counties."

Speaking in this same connection, H. D. Gibson said:

It strikes me that it would be wrong to prohibit those counties from becoming stock-holders in works of internal improvements, if they see fit to do so. It occurs to me, that it would be wrong even to restrict them to the ten per cent upon the taxable property of cities, counties and towns.⁵⁸

It has been urged by some gentleman that even our State cannot contract indebtedness of over one hundred and twenty-five thousand dollars, under the present arrangement, and that it would be bad policy for a county to take that amount or more, as some counties have already done. You will find a provision reported in the constitution, that the State may become a stockholder in corpora-

⁵⁷ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 293, 294.

⁵⁸ The ten per cent here mentioned refers to a proposal by Mr. Hall to allow cities having a population of five thousand or over and taxable property exceeding two millions of dollars to issue bonds to the extent of ten per cent of their taxable value.

tions for certain purposes, to any amount, provided the people vote in favor of it. It seems to me, that we ought to give the same privilege to counties that we do to the State, and leave the people of the respective counties to determine this matter for themselves.⁵⁹

After discussing at length the folly of permitting counties to contract enormous debts, D. P. Palmer answered the argument advanced by John Edwards that county subscriptions were a means of taxing the property owned in the State by non-residents in the following words:

I say that non-residents should be compelled to bear a proportion of that debt; but I think that if the people should vote a tax upon the counties for that purpose, they will defeat the object they had in view. Suppose they do contract a debt? Why the very fact of a contemplated improvement will have the effect to enhance the value of the property of the non-residents; and they will immediately sell out at a great profit, and the real burthen of the improvement will after all be borne by the permanent residents. It will have exactly the contrary effect to that which I understand the voters of these northern counties had in view.⁶⁰

Among those favoring the proposition of limiting county and municipal indebtedness was Hosea W. Gray. In discussing this subject he said: "I heard it stated last fall, that three counties in the north-west had voted four hundred thousand dollars each, in aid of railroads." This would average about two hundred dollars for every man, woman, and child in each of these counties. "I think", he said, "that, the public mind is carried away with a kind of mania upon this subject of county indebtedness, which may lead, if not checked, to disastrous consequences and which may seriously affect the prosperity of the State. Our policy should be, therefore, to restrict the exercise of a passion,

⁵⁹ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 295.

⁶⁰ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 298.

which may become dangerous, which is liable to abuse, and may involve us ultimately, in ruin.”

Amos Harris presented one aspect of the problem in the following words:

It strikes me, that gentlemen are involving themselves in difficulty, when they say that there is no necessity for submitting this question to the population of the whole State to determine, because we can refer it to the counties to determine, individually, for themselves. Let me suppose, to make my meaning clear, that in the district represented by my friend from Lucas, [Mr. Edwards] his own county has taken one hundred thousand dollars worth of stock, and Monroe county refuses to take any. They cannot build the road which is to pass through Monroe county, without benefiting it as much as it will Lucas county. The result is, you saddle a debt of one hundred thousand dollars upon the people of Lucas county, for the purpose of building a road, which will prove as great a benefit to the people of Monroe county as to the people of Lucas county. I ask, therefore, whether it would be just to the people generally, to inaugurate a system which will work so unfairly.⁶¹

J. H. Emerson of Dubuque County, himself a director in the Pacific and Dubuque Railroad Company,⁶² strongly opposed the idea of the majority contracting debts for the minority to help pay, particularly for projects of this kind. In referring to this subject he said:

I am opposed, Mr. Chairman, to this whole system of county and city indebtedness; to the ten per cent proposition; to the two hundred thousand dollars restriction proposed by the committee, and to all other propositions which allow cities and counties to incur a debt for purposes of internal improvements, either with or without a vote of the people. While I am in favor of, and fully recognize the right of the government to tax for the legitimate support thereof, I deny that the power exists anywhere to tax for any other pur-

⁶¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, p. 296.*

⁶² *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, p. 317.*

pose. The taxing power would never have been conferred on the Government, if Government could have existed without the surrender of that right.

Now, sir, it is said by members, that counties and cities may, by a majority vote of the citizens of such municipal corporations, contract debts, take stock, or loan their credit to railroad projects, thereby subjecting the people to grievous and unlimited taxation. Now, sir, I hold that that mode of taxation is not necessary to the support of Government, and hence is wrong in principle and practice; that it is an unrighteous exercise of power over the dearest rights of the minority; that you compel the minority against their will to embark their means in railroad projects, in the success of which they have no confidence, nor in the honesty or capacity of the projectors to carry the work forward.

It is urged by friends of this measure, that as railroads benefit all, hence it is right and proper to tax all for their construction. Now, if this doctrine proves anything, it proves too much; for if correct in regard to railroads in this State, it is equally true in regard to roads extending through other States to our eastern border; I suppose it will be conceded by every member upon this floor, that Iowa owes much of her present prosperity to the net work of railroads approaching us from the East. Yet, I apprehend no gentleman will contend that this State, either by cities, or counties, should have taken stock in those projects, in order to secure their construction. Again, we all derive a common benefit from the labor of others in the improvement of the country. Will gentlemen contend that we should therefore make common cause, and improve the country by county and city taxation? A case involving the principle now under consideration, has recently been decided in the fifth Judicial District of New York; in which case the court held that the taking of stock in, or loaning the credit of municipal corporations to railroad projects, by a majority vote of the electors thereof was void. And the court further held that the legislature did not possess the power to confer such right upon the electors of municipal corporations.⁶³

Jonathan C. Hall of Des Moines County, who at one time

⁶³ *The Debates of the Constitutional Convention of the State of Iowa, 1857, Vol. I, pp. 297, 298.*

strongly advocated the system of county subscriptions, now opposed the whole scheme from the standpoint of individual rights. In regard to forcing the minority to assume a portion of the burdens voted by the majority, he said:

If this demand upon me and my property was for the purpose of securing to the people the right of enjoying liberty and property, it would then be well enough, and I would be equally interested with others to secure a proper enjoyment of what I possessed. I would be willing to contribute my proportion of the means necessary to protect any citizen in the enjoyment of what he possessed, for this is a duty which government imposes upon us all. But when a majority of the citizens of a county desire to go into a partnership, to form themselves into a corporation and subscribe capital for speculating enterprises, for purposes of gain, is it right to allow them to take a portion of my property and put it into that speculation without my consent? This is an encroachment upon my idea of liberty, which I could never reconcile. And I have always contrived some way to waive that question when I was arguing for these contributions, and say it was too abstract for the occasion, or something of that sort.

Now I do not think any gentleman here has the right, or that all of them, or the majority in the county where I live, have the right to take one dollar of my property and devote it to any purpose, except to sustain the great principles and objects of municipal government. They have no right to take it and invest it in a mercantile business; that would be monstrous. Now I may not want to engage in railroading, or in a mercantile business, but may prefer to keep what I have, and use it as my judgment may dictate. But here comes up a system which has crept on us, and declares that by a vote of the people this thing shall be done. But, it is said, you live in a republic; do you not believe that the majority should rule? No, sir; I do not believe that the majority should rule under these circumstances. I believe that liberty consists in the fact that I shall be free from this rule of the majority, and that no human power shall touch me or my property, but for the sole purpose of supporting the government. I agreed to that when I came under the government. And this is an argument when fairly presented no man can answer upon principle.

And how is it in this matter? Must we bow to the dictates of the majority, and submit to what they may determine? I suppose that in some of the counties one-fourth of the population have never contributed anything of any amount to the purposes of government. And yet they can under this system involve all we possess, and then leave the county, and leave all this tax to be paid by those who remain there. This tax and this debt necessarily falls more directly upon the real estate of the county, than upon anything else. A man who has real estate in one of these counties cannot escape the consequences of this debt in which he has been involved without his consent, and his property must remain under, as it were, a perpetual mortgage. There may be men in a county, who never had a cent of property subject to taxation, and will never be called upon to discharge one iota of this debt. They come up to another man, who, in consequence of his industry and success in business, has got a few hundred acres of land. They propose to him to subscribe for a railroad. He says that he does not want to invest his money in an enterprise of that kind. The others say they are the majority, and he must contribute what he has; for they have nothing; he must contribute for their benefit.

Now I hold that doctrine is a wrong one, and will produce disastrous results to the State. In place of doing good, it will work mischief in proportion to the importance of the principle it violates.⁶⁴

Rufus L. B. Clarke of Henry County,⁶⁵ a member of the Committee on Incorporations, explained that the object of a restriction was to prevent the whole State as a community of counties from becoming financially embarrassed in this matter. He also stated that it was the object of the Committee to place all the counties of the State upon an equality in regard to subscribing money for such enterprises. He recognized the democratic spirit of the principle that would allow new counties to have the same right to act in this

⁶⁴ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 299.

⁶⁵ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 301, 302.

particular as the older counties had had, but at the same time he favored restrictions.

John T. Clark of Allamakee County in referring to the county subscriptions said: "This mania has now gone beyond the bounds of reason and prudence. Every nerve has been strained, and every inducement brought to bear, to stimulate this mania for railroad improvements. And as true as is that law of nature, that everything must find its level, so true will this thing react upon itself, and those who originated it."⁶⁶

From the debates quoted it may be seen that most of the delegates favored restricting the action of counties in subscribing loans to railroads and similar projects. The question which caused the most difficulty was, shall the restriction be total or partial? Again, the debates indicate that the majority of members favored only partial restriction. The difficulty then lay in determining what that limitation should be. A number of amendments and proposals were offered in this connection. Mr. Hall proposed to strike out all after the word "indirectly", where it first occurred in section four of the committee's report and to insert the following:

And no county or other political or municipal corporation, shall in any manner become stockholders in any corporation; provided that cities having a population of five thousand inhabitants, and a taxable property exceeding two million dollars, may become stockholders and loan their aid to incorporations for internal improvement, to an amount not exceeding ten per cent on the assessed value of property for State and county purposes.⁶⁷

This proposal caused considerable protest, some delegates favoring a higher limitation and others a lower one.

⁶⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 320.

⁶⁷ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 292, 293.

The limit specified, however, referred only to cities having a population of five thousand, and an assessed valuation exceeding two million dollars: all other political corporations including counties, apparently, would be barred from similar privileges on any scale whatever. To meet some of these objections Mr. Edwards proposed to amend the section so that it would read:

No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly; nor in any other corporation or corporations, provided it shall exceed ten per cent of the taxable property of any city or county.

This also caused considerable opposition because it denied to the newer counties which as yet had had no opportunity to invest in railroad bonds, the right to enjoy the same privileges in regard to this matter that the older counties had enjoyed.⁶⁸ Before the vote upon Mr. Edwards's proposition, Mr. Hall offered the following substitute:

Sec. 4. Counties, cities, towns, and all other political and municipal corporations, are prohibited from taking stock, or in any manner becoming interested in any bank or banking institution, authorized by the laws of this State.

Sec. 5. For the purpose of aiding works of internal improvement that shall pass through counties, or terminate within any county of this State, such counties, and towns, and cities, within the same, may be authorized to take stock to create debts, by a vote of the property holders residing in such county, city, or town, who are charged with an annual tax for county and State purposes, of not less than five dollars, or who are the owners of real estate in said county, town and city, of the value of two hundred dollars.

Sec. 6. The general assembly shall provide by law the manner and mode by which counties, towns and cities may create corporate debts for internal improvements under the fourth and fifth sections of this article; but no debt shall be authorized, or permitted, which

⁶⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 295.

shall at any time exceed the sum of two hundred thousand dollars for any county, city or town, nor shall said debt in any case exceed ten per cent upon the taxable property in such county, city or town, to be ascertained by the assessment for State and county purposes.

The chief objection to Mr. Hall's substitute was that it limited the debts for internal improvements in newer counties to ten per cent of their taxable value and restricted the wealthier counties to two hundred thousand dollars. Then, too, the property qualification for those who could vote upon the question of incurring such debts proved odious to several delegates.⁶⁹ Mr. Hall later proposed to modify section five of his amendment by striking out the specified amounts of taxes and property and inserting the clause, "assessed for taxes for county or State purposes." This would have made that part of the section read "by a vote of the property holders residing in such county, city, or town, and who are assessed for taxes for county or State purposes." The substitute proposed by Mr. Hall, together with the amendment thereto, was withdrawn during the afternoon session of February 9th, in order that Mr. Johnstone might offer an amendment he had formulated.⁷⁰

Mr. Johnstone's amendment was to strike out all after the word "indirectly" in line two of section four of the original report so that the section would then read: "No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly."

⁶⁹ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, p. 303. See also speeches of Mr. Edwards and Mr. Hall, pp. 303, 307, and of Mr. Parvin, pp. 305, 306, Mr. Harris, p. 306, Mr. Gillaspay, p. 307, Mr. Solomon, p. 311, and Mr. Skiff, pp. 311, 312.

⁷⁰ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. I, pp. 325, 343. The statement of the corrected amendment as found in the debates of the Convention is confusing, and is not strictly in accordance with the amendment agreed thereto. Therefore, the change which was evidently intended has been set forth in this discussion.

“This”, said he, “will leave the whole question of county indebtedness just as it stands in the present constitution.” This amendment was adopted.⁷¹ A few other proposals were offered to amend section four but they were not accepted by the Convention.

Section five of the report was then read and the only amendment made to it was that offered by Mr. Palmer to strike out of line six the words “as far as possible”. The section then read:

It shall be the duty of the General Assembly to provide, by law, for the restraint of municipal and political corporations, in regard to assessments, taxations, borrowing money, contracting debts, issuing bonds, and loaning their credit, so to prevent unnecessary burdens, and unjust taxation and frauds.

Two other proposals were offered but neither carried.⁷² The remainder of the report of the Committee on Incorporations was taken up and the report, together with the amendments made in the Committee of the Whole, was offered for further amendment or revision. Several amendments and substitutes were again offered to section four, but only a part of that offered by James A. Young was accepted. Mr. Young’s proposal was to strike out the word “five” and to insert the word “eight” in the latter part of section four, so that this part would read, “to an amount in the aggregate, exceeding eight per cent on the taxable property, &c.” Upon a division of the question it was agreed by a vote of thirteen to eleven to strike out the word “five”. Successive amendments were then offered proposing to fill in this blank with “eight”, “seven”, “six”, “four”, “eleven”, and “nine” but all of these motions

⁷¹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 343, 344.

⁷² *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, p. 344.

were defeated. The third motion, proposing to fill the blank with the word "six", so as to make the limitation six per cent of the taxable property, came the nearest to being adopted, the vote being sixteen to sixteen.⁷³ Thus, without having set any limitation, this part of the report was passed by and the remaining sections taken under consideration.

Two weeks later, on February 25th, the question of county and municipal indebtedness was again brought before the Convention and after brief discussion and the defeat of a few proposed amendments, a vote was taken upon the report of the Committee on Incorporations upon this subject. It was rejected by a vote of eighteen to nineteen.⁷⁴ Thus nearly three whole days of the Convention's time was spent without placing any limitations upon corporate indebtedness. On the following day, however, when the report of the Committee on Miscellaneous Matter was under discussion, Mr. Clarke of Henry County proposed the following as an additional section to this article:

No county, or other political or municipal corporation, shall hereafter issue its bonds or other evidences of debt, or loan its credit, or become directly or indirectly liable as surety, or in any other manner become indebted, to an amount in the aggregate, exceeding six per centum on the value of the taxable property within such county or corporation — to be ascertained by the last state and county tax lists.

After some discussion this proposed section was defeated by a vote of eight to fourteen.⁷⁵

Several other subjects were then discussed briefly and at the conclusion of the debate relating to "Submitting Laws

⁷³ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 421, 422, 423, 425, 427.

⁷⁴ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 775-779.

⁷⁵ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 805-810.

to the People'', Mr. Edwards submitted the following section as an addition to the Article on Miscellaneous Matter :

No county, or other political or municipal corporation shall be allowed to become indebted in any way, for any purpose, to an amount in the aggregate exceeding five per cent upon the value of the taxable property within said county or corporation, to be ascertained by the last state and county tax lists.

This substitute was adopted without discussion by a vote of nineteen to sixteen.⁷⁶ No further amendments or proposals being offered on county and municipal indebtedness, the discussion of the miscellaneous subjects was continued for a short time. Then upon motion of Mr. Harris the Article on Miscellaneous Matter as amended was ordered to a third reading, and referred to the Committee on Revision, Engrossment and Enrollment.⁷⁷

During the morning session of Tuesday, March 5th, the Article on Miscellaneous Matter was reported for its third reading to the Convention by Mr. Clarke of Henry County, of the Committee on Revision. Section three of this article was the addition proposed by Mr. Edwards which had been added in the Committee of the Whole. This section limited the indebtedness of counties and cities to five per cent of their taxable property. In its final form as approved by the Convention it read :

No county, or other political or municipal corporation, shall be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding five per centum on the value of the taxable property within such county or corporation — to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

⁷⁶ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, p. 812.

⁷⁷ *The Debates of the Constitutional Convention of the State of Iowa*, 1857, Vol. II, p. 813.

The whole Article on Miscellaneous Matter was finally adopted by a vote of twenty-six to four, and the vote upon the final adoption of the Constitution as a whole was twenty-five for and seven against.⁷⁸

A comparison of section three as it was finally adopted and the form in which it was referred to the Committee on Revision and Engrossment shows that the clause, "previous to the incurring of such indebtedness", was added by this committee. However, upon its third reading no remarks were made in regard to this change and the article was approved.⁷⁹

So, after long and careful deliberation, the Convention incorporated into the new Constitution, not only a provision for the limitation of State indebtedness but also one for the limitation of this same power of counties, cities, and other political corporations. The significance of this measure should not be underestimated for the "proneness of municipalities to incur indebtedness, especially if its burden can be thrown upon posterity, is well known, and needs, in the interest of the public welfare, to be regulated and restricted."⁸⁰

Chief among the various devices that have been employed to check the borrowing power of municipal corporations is that of constitutional limitation, and the provision incorporated into the Constitution of Iowa by the members of the Constitutional Convention of 1857 is among the first, if not the first, provision of its kind.⁸¹ Although it has caused

⁷⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 1033, 1034, 1054.

⁷⁹ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. II, pp. 812, 1033, 1034.

⁸⁰ *Dillon's Commentaries on the Law of Municipal Corporations* (Fifth Edition), Vol. I, p. 336.

⁸¹ *Dillon's Commentaries on the Law of Municipal Corporations* (Fifth Edition), Vol. I, p. 337.

much popular discontent, especially on the part of city and county officials,⁸² it remains to the present day without alteration or change, and no doubt has been greatly to the advantage of the counties and cities of the State.

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IOWA CITY IOWA

⁸² Herriott's *The Constitution of 1857 and the People* in the *Annals of Iowa* (Third Series), Vol. VIII, p. 70.

TRAVELLING ON THE UNDERGROUND RAILROAD IN IOWA

Although slavery was much discussed in Iowa prior to the Civil War, the people here came in direct contact with the institution only along the Missouri border. Here came the fugitive slave, endeavoring to escape from bondage, and the slave owner or his representative in pursuit of the fleeing chattel. To assist a slave to escape from his lawful owner was contrary to the law of the United States and any one found guilty of this so-called crime was subject to a heavy fine or imprisonment. Thus it happened that to many of the settlers in southern Iowa there came this problem. Should they assist the slave and thus violate the laws of the United States or return the fugitive to his master?

For some this choice had no difficulties; they felt that slavery was a justifiable if not a necessary institution and the return of an escaping slave was to them the plain duty of a law-abiding citizen. The holding of slaves, in their opinion, was not inconsistent with high standards of morals or religion.

This opinion was doubtless strengthened for many of the Iowans along the border by their observation of slavery as it existed in Missouri. Compared with the far South where the demoralization due to slavery had become much more evident and the slave power dominated the church as well as the State, the condition of the slaves in Missouri did not arouse great opposition to the institution. As a rule slaves in Missouri were treated with humane consideration; and, occasionally, some slave owner would become conscience stricken and free his slaves, giving them homes in a free State. Children of the master and the children of slaves

played together in their childish sports. Slaves were often allowed a tract of land on which to raise a marketable crop, the proceeds of which they could use at their own discretion. Slaves and slave masters attended the same church, listened to the same services, and worshipped the same God. The congregation was divided, however, the masters and their families occupying one side of the church and the servants the other. It was sometimes said that the slaves and their families formed the most gaily dressed portion of the congregation.

But there were other settlers along the southern boundary of Iowa who were opposed to slavery, whether the condition of the slave was good or bad. So strong was their opposition to the institution that, though they were law-abiding citizens, they felt that obedience to the fugitive slave law was a violation of the law of God and accordingly refused to assist in the return of fugitive slaves. Indeed many actively aided the colored fugitives, risking arrest and punishment for the sake of conscience. They agreed with Whittier when he wrote:

Than garbled text or parchment law
I own a statute higher;
And God is true, though every book
And every man's a liar!

Partly because of its geographic position and partly because of the news which percolated through slave circles in Missouri that there were friends in Iowa who would assist them, runaway slaves from Missouri were frequently seen in southern Iowa. The owners knew that a slave who disappeared had probably crossed the line into Iowa and advertisements offering rewards for the return of fugitive slaves were frequently printed. The following advertisement which appeared in the *Keokuk Argus* in 1846 is typical

of those which so aroused the opposition of anti-slavery settlers in southern Iowa:

Run away on Sunday the thirty first of May 1846 from the subscriber, living in Waterloo Clark Co., Mo., a negro woman named Lucy about 36 years old, very stout and heavy made, very black, very large feet and hands, had on when she left a blue calico dress and a sunbonnet, no other clothing. It is believed that she will be conducted to the territory of Iowa in the direction of Keosauqua or beyond that place to a settlement of free negroes that was set free by Meirs living in Tully, Lewis Co., Missouri some years ago. Any person apprehending said slave and returning her to me, or securing her so that I can get her again I will pay a liberal reward and pay all reasonable expenses. Give information to Daniel Hines, Keokuk, or James T. Death, Farmington, Iowa.

JOHN T. DEADMAN.

Prior to the activity of John Brown in Iowa the chief centers of anti-slavery sentiment in Iowa and especially of opposition to the return of fugitive slaves to their masters were Salem, the Quaker settlement, and Denmark, the New England village set down in Iowa.

SALEM

Salem, the center of Quakerism in southern Iowa, was first settled in 1835 when Isaac Pidgeon with his family crossed the Mississippi River to find a home in the unknown prairies to the westward and finally ended his search on what is now known as Little Cedar Creek, in Salem Township, Henry County, Iowa.

The new settler was a member of the Society of Friends, commonly called Quakers, and he reported to his acquaintances in the East the richness of the Iowa territory and the advantages of the beautiful Black Hawk Purchase as a home. In the spring of 1837 he was joined by the families of Reuben, Henry, and Abraham P. Joy, Gideon, Stephen,

and Thomas Frazier, Thomas Cook, and Levi Commack, also Quakers. Being well grounded in the faith of their ancestors, they soon organized a meeting where they could assemble and worship in their own peculiar ways. Salem being thus founded became the Mecca of all emigrant Quakers who crossed the great river into southern Iowa.

The Quakers were a peace-loving people and generally engaged in the pursuits of agriculture. Settlements were made and meetings established in several places around Salem. Some four miles to the northwest was Cedar Creek meeting; to the south was Chestnut Hill; while to the east in what is now Jackson Township was the meeting of East Grove. In Lee County at a point about equally distant from Salem and Denmark was established the meeting of New Garden, which played an important part in the working of the so-called Underground Railroad.

Many of these Quakers or their ancestors had first settled in North Carolina, where they came into actual contact with slavery, an institution that was obnoxious to the soul of all ardent Quakers, whose cardinal faith was the love of justice and equality among men. To free themselves from this unwholesome environment, the Quakers emigrated to Ohio and Indiana, and thence to the free, open prairies of Iowa. The knowledge of slavery acquired by actual contact made the Quakers of Salem the natural enemies of the slaveholders of the adjoining State of Missouri and it was difficult for them to restrain their indignation at the institution.

It may seem strange to many that such law-abiding, peace-loving people should be found boldly and persistently violating the laws of the land. A knowledge of some of the fundamental principles of the Friends, however, will explain this seeming contradiction. "The one corner-stone of belief upon which the Society of Friends is built", says one writer, "is the conviction that God does indeed communi-

cate with each one of the spirits He has made, in a direct and living inbreathing of some measure of the breath of His own life; that He never leaves Himself without a witness in the heart as well as in the surroundings of man". On this theme of the "inner light" William Penn wrote: "*That which the people called Quakers lay down as a main fundamental in religion is this — That God, through Christ, hath placed a principle in every man, to inform him of his duty, and to enable him to do it; and that those that live up to this principle are the people of God, and those that live in disobedience to it, are not God's people, whatever name they may bear, or profession they may make of religion.*"

The reader can now see that upon this principle of the "inner light" the Quaker relied for guidance. He did not carry his Bible into the pulpit or read the scriptures in his public worship: the Bible had been handed down through the hand of man and might contain the imperfections of man, but the message received by direct communion with the Holy Spirit was always true and righteous altogether. Relying on this principle the Quakers were often brought into conflict with the rules established by society and the statute laws enacted by the governments. For this they were often persecuted, banished, and sometimes hanged; but they persisted in their ways and quietly suffered persecutions for conscience sake. As every human being, of whatever sex, race, or tongue, possessed the "inner light", every person stood on an exact equality in the sight of God. Acting on this thought, the Quaker refused to remove his hat in the presence of court or king, priest or potentate, because this would be an act of servility; he never addressed another as "Mister" (master), for this implied superiority in the one and servility in the other; he never addressed another as "you", for this was the language of a servant to his lord. He used the words "thou" and "thee"

which signified equality among men. The reader can readily see from these precepts why the Quakers, of all men, were opposed to bondage or slavery.

From this foundation principle of the "inner light" was developed another precept or "testimony" as the Quakers called it. They refused to bear arms even in war or engage in personal combat. This principle of non-resistance developed in the Quaker a characteristic that distinguished him from most other men. As he could not carry out his designs by force, he developed a sort of cunning or strategy which carried him safely through many a dangerous situation. This superiority in strategic power is what made the Quaker so successful in assisting the fugitive to elude the grasp of his pursuer. Who but a Quaker would have thought of driving to a distant flouring mill and after purchasing a load of bran drive boldly along the highway, while beneath his sacks of bran was concealed a cargo of human freight, whose destination was the land of freedom; or of loading hay on a wagon and leaving a hollow interior where human beings could be concealed and carried in comfort and security; or of clothing a fugitive slave in the garb of a Quaker woman, with bonnet and veil, placing him in a carriage, and driving fearlessly along the public road to friends and security? Such were the tactics of the Quaker with which he won his bloodless battle.

Since this work of liberation was of necessity carried on in secret, no record of the work could be made and, all the original actors in the drama having passed to their reward, it is difficult to get accurate information in regard to names and dates. It will, therefore, be necessary to rely largely on tradition for a history of those stirring days. Some of these anecdotes illustrate the methods of travelling on the Underground Railroad.

At the home of Joel C. Garretson, five miles southeast of

Salem, a fugitive slave tapped lightly at the cabin door in the early hours of the night. Mrs. Garretson opened the door and saw a colored man before her. The negro gave her to understand that he was a fugitive and was closely followed. Not wishing to arouse the curiosity of her own children and those of a neighbor who were present, she, by a wave of the hand, directed him to a peach orchard which stood near by. The negro lay down around the base of a bushy tree around which the grass and weeds had grown until they almost touched the spreading branches of the tree, and awaited the outcome. It was well for him that he found this hiding place as quickly as he did. In a few minutes his pursuers arrived, for Joel C. Garretson was an open advocate of the emancipation of the slave, and his home was the natural place to look for the fleeing property of the slaveholders. The pursuers came to the house and cautiously inspected the premises, and looked in at the windows, but made no attempt to enter the house. They carefully searched the orchard passing back and forth among the trees almost in reach of the breathless fugitive who lay silently beneath his leafy shelter, until the hunters, failing to find their prey, quietly departed, and were seen no more.

Mr. Garretson was not at home on this occasion and Mrs. Garretson was left to her own resources. She was a woman of unflinching courage, however, and entirely devoid of fear. As soon as the slave hunters were gone and the children asleep, she went to the home of Joseph D. Hoag on the opposite side of the road and about an eighth of a mile to the east. Mr. Hoag secured some provisions and together they sought the famished negro and gave him food and drink.

Near the center of the farm then occupied by Mr. Hoag there is a high ridge from which the ground slopes in every direction except to the southwest which is toward the open prairie. On this ridge was a cluster of hazel brush and

small jack oak trees. When Mr. Garretson returned, he piloted the fugitive to this thicket and concealed him where he could have a fair view in every direction. Here the fugitive was fed for some time by Garretson and Hoag until his wife and child, who had been hiding elsewhere, were brought to him. They were then taken in charge by Nathan Kellum of New Garden who conveyed them along by-ways toward Denmark.

When the rescue party met the men from Denmark who were to pilot them on it was so near morning that the fugitives were concealed in a ravine and the conducting parties returned to their respective homes. On the following night the negro family was conveyed to Denmark where they were cared for by unfaltering friends.

Joel C. Garretson, who was associated with many of the events which happened on the Underground Railroad at Salem, was not a Quaker. He had been reared, however, under the tenets of that Society and adhered to many of its precepts. He believed in the absolute equality of every man before his Maker and the law. While a youth, yet in his teens, he was traveling over Price's Mountain in the State of Virginia, where he met a coffle of slaves, consisting of twenty negroes, marching in double file. Between the files was a heavy chain to which the handcuffed slaves were chained. Behind them rode the slave driver on horseback, whip in hand, while in the holster of his saddle were his pistols, ready for action. This sight so impressed the youthful mind of Joel Garretson that he vowed then and there that if ever he had an opportunity to strike this hated institution a blow, he would do it with all his energy.

In 1837, after he had reached his majority, Mr. Garretson emigrated to Iowa. Here he became a public speaker of no mean ability and freely and fearlessly used his powers to create a sentiment against the institution he so much ab-

horred. He helped to organize the Free Soil party of Henry County, and he and Samuel L. Howe became the candidates of that party for the legislature. In the campaign he vigorously stumped the county in the interests of his party, although he had no more hope of being elected than of being translated.

Joel Garretson was also one of the little group, including Dr. Curtis Shed and Eli Jessup, which met at Iowa City to organize the Free Soil party in Iowa. An opponent of the movement ridiculed the meeting, declaring that the whole State convention of the new party was organized and engineered by a dozen men. "Oh", said Dr. Shed, "that is a lie, there were only half a dozen of us."

One of the escaped slaves who came to Salem was concealed in the hotel, kept by D. W. Henderson. Some clothing of Rachel Hobson was secretly taken to the hotel and the negro was carefully dressed in these garments, which were of plain Quaker design, including shaker bonnet and veil. Peter Hobson then drove his buggy up in front of the hotel and said to the landlord, "I wish thee would tell Rachel to make haste or we will be too late for the meeting." The supposed Rachel soon appeared and stepping into the buggy was driven to safety while his pursuer stood in front of the hotel quietly watching the departure of the Quaker and his pseudo-wife.

This negro was taken to the woods on Fish Creek, four miles northeast of town, where he was concealed and cared for until he could be transported in safety to another station on the road.

The fleeing slaves that came to Iowa were seldom armed, but in a few instances they possessed some crude implement of defense. Two fugitives, a man and wife, were concealed in a corn shock on the southeast quarter of section thirty-three, in Jackson Township, Henry County. They

remained there for several days, being cared for by sympathizing friends until they could be taken elsewhere. After their departure, a dagger was found beneath the shock. This dagger was about ten inches long with a blade six inches in length, two-edged, and running to a sharp point. This knife is the property of the writer and is one of the few relics that remain to tell the story of those days.

Many strange and pathetic scenes were witnessed by the workers on this unseen railroad. It was not uncommon for families to become separated in their hasty flight. On one occasion, a man and his wife, who had reached the vicinity of Salem, were forced by hot pursuit to flee in different directions, and thus became lost to each other. The man was concealed in the famous hiding place on the farm of Joseph Hoag and cared for while search was made for the lost wife. She was finally located and the news was carried to the husband by Joel Garretson. On hearing the report, he sprang to his feet and waving his arms violently shouted, "Glory to God, Glory to God, I have been praying all night that she might be found."

The actors in this secret work met with various types of fugitives who were guiding their footsteps by the light of the polar star. Not all of these fleeing bondmen would confide in the friendship of those who offered them assistance. They knew that they were in the country of their friends, but some of them realized that there might be those who would betray them to their masters.

At one time a stalwart and athletic negro was found in hiding on the farm of Joel Garretson. He was armed with a heavy club and a dangerous looking knife, and permitted no one to approach within reaching distance of him. He would accept food offered him if placed where he could reach it without coming in contact with the donor, but he always kept a safe distance between himself and would-be

friends. In vain did Garretson and Hoag try to convince him that they would give him aid if he would trust in them: he departed as he came, unseen by friend or foe, determined to fight his own way to his intended refuge.

In *The Quakers of Iowa*, by Louis T. Jones, the statement is made that no fugitive who reached Salem was ever returned to bondage. This may be true of the town of Salem, but it is not correct in regard to the communities around Salem. A negro fugitive from Missouri who was being assisted by Friends in the New Garden community, the half way station between Salem and Denmark, was concealed in the barn of Nathan Bond, awaiting an opportunity to proceed to Denmark. Here he was discovered and apprehended by two brothers by the name of Berry who returned him to his master. For this the Berry brothers received a reward of two hundred dollars but their act aroused the indignation of almost the entire community. Many citizens remonstrated against their actions, and some of the more zealous warned them that the judgment of the Lord would surely be visited upon them for their perfidy. According to the reports of many pioneers, this prophecy became an actual fact: while the farms around them were yielding abundant harvests, the crops on the Berry farm dwindled and failed. This condition continued as long as the property was owned by the Berry brothers. After the farm had passed to other hands it produced abundantly.

Joseph D. Hoag was a pioneer minister of the Society of Friends, who settled on the northeast one-fourth of section thirty-three, township seventy, range six, in Henry County, five miles southeast of Salem. Here he built his home and lived for many years. In 1847 Mr. Hoag was appointed one of the commissioners to relocate the capital of the State of Iowa, Mouroe City being the choice of the commissioners.

Mr. Hoag was an ardent worker in the cause of liberty

and when he built his house, he constructed a secret closet beneath the stairway that led to the upper rooms of the dwelling. This house faces to the south and in front of it passed the historic Burlington and Agency road, constructed by General A. C. Dodge for military purposes. The stairway began about the middle of the north wall of the front room and went west, rising to about two-thirds of the height of the room where there was a landing. It then turned to the south at right angles. Beneath the landing of the stairway was constructed a cupboard facing the south, but the back wall of the cupboard was only about one-half of the distance to the north wall of the room, thus leaving a considerable space back of the cupboard into which there was no apparent opening. Anyone looking into the cupboard would never suspect that back of this was another space. On the landing of the stairway was a neatly fitted trap door which opened into this unseen closet. Tradition has it, and many pioneers repeated the story, that in this secret hiding place Joseph D. Hoag concealed many fugitive slaves. The house is still standing and is the property of the writer. The secret closet may yet be seen and it is still called "the nigger hole", as it was for three generations past.

A large faction of the Society of Friends became so exercised over the subject of slavery that it became restless because of the tolerant attitude of the church at large, and a separation of the two factions was the result. A meeting of the anti-slavery branch was established at Salem under the leadership of Thomas Frazier, Eli Jessup, and others. The original body of the church held that their duty as Christian citizens would be fulfilled by entering a solemn protest against this detested institution and by using every reasonable means to create a sentiment against it. The radical element, while holding kindred ideas, also held that

it was their duty to assist in liberating the bondmen wherever found. Clinging firmly to these views they became aggressive in their actions and doubtless sent emissaries to Missouri to inform the slaves of their readiness to assist them in gaining their liberty.

Such a menace had this propaganda of the Quakers become to the slaveholders of Missouri that they adopted the expedient of patrolling the Des Moines River to prevent the crossing of fugitives to Iowa, and to keep a check on all strangers who crossed from the northern shore, but this plan availed them little and they became greatly incensed at the Quakers.

It is said that Elihu Frazier of Salem, when in Missouri supposedly on a mission in the interests of the slaves, was captured by some of these patrolmen and hanged to make him confess the nature of his mission. However, they secured no information of value, and Frazier was finally released and returned home but little the worse for his rough experience.

One of the episodes of interest in this period was the escape and attempted capture of several slaves belonging to Ruel Daggs. In 1835, Daggs, who was a man of character and influence and possessed of ample means, moved from the State of Virginia and settled in Clark County, Missouri, locating a few miles west of where the town of Kahoka now stands. He brought with him sixteen slaves and engaged extensively in farming. It is not alleged that Ruel Daggs was cruel to his slaves: on the contrary there is every reason to believe that he was a humane man. A number of his descendants still live in Missouri, and are ranked among the leading citizens of that Commonwealth.

Slaves brought in contact with the free atmosphere of the undeveloped West, however, could not long remain docile and contented even under humane treatment for the spirit

of liberty is implanted in every human soul and can not be eradicated. Ruel Daggs finally realized the difficulty of holding slaves so near the free State of Iowa and contemplated selling his slaves south so that he would be free from the necessity of keeping a constant guard on valuable property. Nothing was more repugnant to the negroes of the border States than the thought of being "sold south" and as soon as the slaves of Mr. Daggs learned that their master was planning to dispose of them in this manner, nine of them — three men, four women, and two children — determined to make an attempt to escape to Iowa before it was too late.

The story of the escape and attempted capture of these nine slaves has been told by an educated and intelligent negro named Sam Webster. Webster was born of free parents but was bound to a man by the name of Dick Leggens, whose father had been an extensive slaveholder but had sold his slaves and quit the business. This Dick Leggens was an eccentric character who resided in a dense woods a great distance from any other habitation. With him was the free negro boy, Sam Webster. To this lonely dwelling on Thursday night or Friday morning early in June, 1848, came the nine negroes from the plantation of Ruel Daggs. Without doubt they had been informed that if they could reach Salem, twenty-five miles north of the Missouri border, they would receive assistance. No sooner had they arrived at this home, than a terrific rain set in and they were compelled to stay all the next day and part of the following night. The negro's heart is naturally gay and he seeks amusement. The negro boy, Sam Webster, played the violin, while the fugitives danced to while away the time.

Sometime Friday night, the rains having ceased, the negroes started for the north accompanied by their host. On reaching the Des Moines River, however, the stream was

found to be so swollen that its passage was difficult and a long delay ensued. Finally, by the assistance of Mr. Leggens, they procured or constructed a raft and successfully passed to the northern shore, not far from the town of Farmington. How the fugitives reached Salem from Farmington is not known, but in all probability they were in touch with sympathizing friends who aided in their transportation.

On Monday, following the escape of the negroes, two men, Samuel Slaughter and a Mr. McClure, who were searching for the negroes and heading their course toward Salem, saw a covered wagon being driven rapidly several miles ahead of them. They increased their speed and on arriving at the woods, about a mile south of Salem, they found the wagon in the bushes near the roadside, while scattered through the near-by woods were the supposed slaves of Ruel Daggs. The horses hitched to this wagon were the property of John Pickering, an active worker in the anti-slavery cause, and the team was driven by Jonathan Frazier, a son of Thomas Frazier, the noted pioneer preacher and leader of the anti-slavery Friends of Iowa.

The fugitives were immediately seized by the slave catchers who immediately prepared to return with them to Missouri. Almost at once, however, they were confronted by three solid citizens of the community, Elihu Frazier, Thomas Clarkson Frazier, and Henry Johnson, who demanded that the negroes be taken before an officer and the rights of property proven before they were taken away. So insistent were the three Quakers in their demands, that Slaughter and McClure were compelled to yield.

The fugitives were taken before Nelson Gibbs, justice of the peace, whose office was in the great stone house of Henderson Lewelling. The unusual sight of slave and slave master appearing for trial before a legal tribunal created

much excitement. The news spread rapidly and in a short time such a crowd had assembled that the justice's office could not accommodate the people. By common consent the proceedings were transferred to the anti-slavery meeting house of the Society of Friends. Although Salem was considered a Quaker village, there were many citizens of other denominations, or no denomination at all, whose sympathies were as strong for the bondmen as those of the Quakers themselves.

In their feverish excitement, men were swearing and women praying, while others were denouncing the slave catchers or uttering threats of violence. So great was the tumult that Henry Darland, the village school master, who was held in high regard, attempted to pour oil on the troubled waters by haranguing the people and urging them to be quiet and orderly, and do nothing to compromise themselves in the eyes of the law. Quiet was finally restored and the trial duly held.

It soon appeared that the two slave catchers were not personally acquainted with the fugitives and claimed them only by the description which had been sent out. Justice Gibbs decided that the claimants had proven neither their ownership or their authority to detain the defendants, and that he, as justice of the peace, had no jurisdiction to hold the negroes. So far as he knew they were as free as any other citizens.

Meanwhile, the members of the Underground Railroad, who had doubtless anticipated the decision of the court, had not been idle. A number of horses had been tied to the hitching racks and other convenient points near the meeting house. As soon as Justice Gibbs rendered his decision, Paul Way, a determined citizen, mounted one of the horses near by and started out of town. Doubtless by prearranged plan one of the released bondmen mounted one of the other

horses and taking up a child started after him. All the while Paul Way was shouting to the crowd in a stentorian voice, "Stop them niggers, don't let them niggers follow me." He rode out of town at a rapid pace with the "niggers" in hot pursuit. The negroes soon eluded the sight of their pursuers and were safely concealed by trusted friends.

Joseph Hobson, an eye witness to this stirring scene, thus describes the appearance of Paul Way. He was an old man clothed in the working garb of the pioneer, with long chin whiskers and wore a pointed topped, lopped down felt hat. He came into town riding an old sorrel mare with a sheep skin for a saddle, and led another horse. When the negro and child were brought from the trial, Paul Way was in front of the building. He mounted the sorrel mare, and the negro sprang upon the other horse. A man by the name of Gilcherson handed him up the child. When Way started out of town, some one kicked the horse on which the negro man and child were seated and it started in hot pursuit of the old sorrel mare. Way went northwest, across the public square, which at that time was unenclosed, then north toward his home on what is now known as the Harvey Derbyshire farm. When he reached the bushes on the head of the waters of Fish Creek, he turned east into the woods, and the fugitives were forever lost to their pursuers. The remaining negroes were later assisted on their way to freedom.

Baffled in their attempt to secure their prey, and enraged by the attitude of the people, Slaughter and McClure left for their homes, swearing vengeance upon the Quaker city. A few days later, a large company of mounted men from Missouri, heavily armed, and variously estimated at from one to two hundred in number, appeared at Salem and surrounded the town. They placed a guard on every street leading out of the village and refused to allow anyone to leave or enter the place. They offered a reward of five hun-

dred dollars each for the heads of Joel Garretson and Eli Jessup, who had publicly advocated the emancipation of the slaves and were thought by the Missourians to be the instigators of the plot to free their slaves. They proceeded to send squads of men to search the houses both in town and country. In most cases they were quietly allowed to search the premises, but in others, they met with firm resistance.

Dr. Theodore Shriner lived on the west side of the square and kept the post office in his home. When the searchers appeared at his domicile, he refused them entrance. They persisted in their demands, but the doctor told them in vigorous terms that if they entered his home they would have first to pass over his dead body. They desisted from entering.

When they arrived at the home of Paul Way, they found a ladder reaching from the ground to the attic. Way appeared armed with two heavy pistols, and told the searchers that there were fugitive slaves in that attic, and if they wanted them they could get them, but he warned the pursuers that the first man that set a foot on that ladder would be shot. They wisely decided to make no further search. It was well for them that they made this decision, for Paul Way was a cool, determined man who had engaged in many a gun play on the western frontier, and would have fearlessly carried his threat into execution.

Squads of men were sent to the country to capture Joel Garretson who lived five miles southeast in the East Grove community. Garretson was a man of great physical courage, an athlete by nature, and would have been a match for any man in personal combat. He was the owner of a horse of great speed and endurance that had proven his powers by being used to run down wolves on the open prairies. On this horse Mr. Garretson relied for safety. Southwest of his home was a broad and open prairie known as the Grand

Valley, where one's vision would extend for many miles. Taking his trusted horse, he went to the middle of this prairie and quietly awaited results. He knew that should the mob appear from any direction, this horse would easily carry him to safety. The Missourians promptly appeared at his home and carefully searched the premises, but he himself was not molested.

Eli Jessup, for whose head a reward was also offered, was a Quaker preacher. He concealed himself in a private cave and was not found.

Meanwhile, the citizens of Denmark had been apprized of what was being done at Salem and the ire of these Puritans was at once aroused. A large company of mounted men, hastily assembled and armed with rifles, marched rapidly to Salem determined to raise the siege. The Missourians offered no resistance to their entering the town and the newcomers placed themselves in strategic positions to assist the citizens should any violence be attempted. The attitude of the besiegers immediately changed: they quickly realized that discretion was the better part of valor and hastily departed for their native State. Cowed by the determined attitude of the Denmark riflemen, the slave masters from Missouri never again attempted an armed invasion of the free soil of Iowa.

The slaves of Ruel Daggs were never captured, but the people of Salem who had laid themselves open to the charge that they had assisted the slaves to escape were not yet done with Daggs. Mr. Daggs took advantage of this situation and brought suit for damages. This suit was entered in the Federal court at Burlington in 1850 and is entitled *Ruel Daggs v. Elihu Frazier and others*, the following persons being named as parties to the suit: Elihu Frazier, Thomas Clarkson Frazier, John Pickering, William Johnson, John Comer, Paul Way, and others. The slaves al-

leged to have escaped were Sam, forty to forty-five years old (black); Walker, twenty-two to twenty-three (yellow); Dorcas, Sam's wife; Mary, Walker's wife; Julia, eighteen years old; Martha, ten years; William, a small boy, and two young children name unknown. The value placed on these slaves was as follows: the men, nine hundred to a thousand dollars; the women, six hundred to seven hundred dollars; Martha, two hundred and fifty to three hundred dollars; and William, two hundred dollars. The small children were not valued.

Ruel Daggs never appeared in person either at Salem or at the trial in Burlington, but was represented in the Federal courts by his son, George Daggs. Two of the most distinguished lawyers of the pioneer days of Iowa opposed each other in this case. Judge David Rorer represented the prosecution and Judge J. C. Hall appeared for the defense. The suit created intense interest and many people of Salem attended the trial. The evidence produced in this case was strictly circumstantial and rested largely on suspicion. When Slaughter and McClure found the fugitives in the bushes, they were alone. Elihu Frazier, Clarkson Frazier, and William Johnson soon appeared upon the scene and opposed the plaintiffs in their decision to return the negroes. The wagon, which the pursuers had seen driven rapidly across the prairies, was found standing by the side of the road. The team hitched to the wagon was the property of John Pickering. The driver of the team was Jonathan Frazier. The Fraziers were the sons of Thomas Frazier, the leader of the anti-slavery Friends of Iowa. John Pickering was a noted sympathizer with the negro bondmen. Eli Jessup had borrowed the horses from Pickering to take a Methodist preacher to Farmington. Jessup openly advocated the emancipation of the slaves. At the hearing before Justice Gibbs, numerous persons expressed

sympathy for the fugitives and the whole population of Salem was a hotbed of abolitionism. John Pickering was seen to hold a conversation with one of the fugitives. Paul Way rode out of town followed by a negro and child. Such was the nature of the testimony against the defendants. Nothing material was proven, but many circumstances were set forth which gave room for strong suspicion.

Judge Rorer in his plea to the jury enlarged upon the importance of the case, not only to Iowa, but to the United States in general. Iowa had recently become a member of the sisterhood of States and had obligated herself to uphold the Constitution. The Constitution and the statute laws of Congress sanctioned and upheld slavery, and it was the duty of the people of Iowa to sustain the laws. To hold slaves was the privilege of every citizen of Missouri. Negro slaves were absolute property, the same as a horse or an ox, and the owner had a right to claim his property wherever found. Any person who prevented him from exercising this right was held liable to the owner for the damage done. Judge Rorer told the jury that the evidence in the case was so clear that there could be no reasonable doubt of the guilt of the defendants. He was a shrewd and eloquent barrister and had the power in an eminent degree to make suspicion appear to be actual fact. Rorer based his plea to the jury on the ground that Salem was an abolition town. Ruel Daggs had lost negroes, men, women, and children. Men, women, and children were found near Salem. The people of Salem largely sympathized with the fugitives; therefore, the Fraziers, John Pickering, and others must pay the damages.

J. C. Hall appeared for the defendants. He also pointed out the importance of the procedure. It was the first case of its kind to be tried in the new State of Iowa. The whole country was interested in the outcome. The case was pecu-

liar inasmuch as it was not being tried under the laws of Iowa, but under the Federal statutes. Hall attacked the position of Rorer on the rights of property. He pointed out that the Federal authorities could exercise only such rights as had been delegated to Congress by the several States. Any right not delegated to Congress was reserved to the States or the people, and that the rights of property were reserved to the States. What was property depended on the laws of the several States. What was property in one State might not be property in another State. Negro slaves were recognized as property under the laws of Missouri but in Iowa no such recognition was ever given. Under the laws of Missouri, every negro was presumed to be a slave, while under the laws of Iowa every human being was presumed to be free until he was shown to be a bondman. Therefore, the citizens of Salem had a right to express sympathy and give aid and comfort to any needy human being found within the borders of Iowa, unless it was made known to them that they were assisting a fugitive slave.

As Slaughter and McClure could not show that these negroes were slaves, or show any authority to detain them, the people of Salem had a right to assume that they were free people. Neither Slaughter nor McClure knew the negroes, or knew them to be the property of Ruel Daggs. The testimony showed that Daggs lost nine slaves — men, women, and children. Hall suggested that this description would cover almost any group of people. Men, women, and children could be found in almost any hamlet or household. Because men, women, and children were missing from a plantation in Missouri, and men, women, and children were found in Iowa did not prove that they were the same people. Neither Daggs nor his sons nor any other person had identified the negroes as the property of Ruel Daggs.

Rarely, if ever, was a defendant found guilty on such

purely circumstantial evidence. No overt act was proven against the defendants. It was alleged that William Johnson told Walker, the yellow man, to knock Slaughter down if he touched him again. It was proven that it was Henry Johnson and not William Johnson who gave this advice. Henry Johnson was not prosecuted. After the hearing at the anti-slavery meeting house, a man by the name of Gilcherson untied a horse that stood near by and threw the reins over its head. The negro Sam mounted the horse and Gilcherson handed up the negro child. Gilcherson was not named as one of the defendants. It was not shown that any one of the defendants committed any act or gave any advice that would assist the fugitives to make their escape.

In those days, however, the pro-slavery sentiment was very strong and the minds of many people were deeply prejudiced against the abolitionist. As the people of Salem were outspoken in their views, it was not difficult for the silver tongued Rorer to convince the jury that any suspicious circumstances that occurred among them were proof of their guilt. The jury found the defendants guilty and judgment was rendered according to the prayer of the plaintiff.

The mulcting of these good citizens in heavy damages did not cool the ardor of the people of Salem in this work: they continued and increased their efforts until the Civil War put an end to this irrepressible conflict.

Walter Shriner, a son of the Dr. Theodore Shriner before mentioned in these pages, a boy about town in these stirring days, relates the following incident which probably occurred about the beginning of the Civil War, when fugitives were not closely followed by their masters.

On the south side of the square in an open lot in the rear of the John Garretson home and of the Congregationalist church, he at different times saw several companies of

negro fugitives being fed. A large pot or kettle would be hung over a fire and in this would be cooked corn mush or pudding. Each person was supplied with a small crock of milk and a spoon and served from the great pot of pudding. Mr. Shriner also relates that John Garretson was the owner of a carriage or hack which had an oil cloth covering, and was entirely closed except in front where the driver sat. On several occasions he saw negroes discharged from this hack and fed in the manner and place before mentioned. After this repast, they would be reloaded and taken away to parts unknown.

Nathan Kellum of the New Garden meeting, whose work has heretofore been mentioned, was one of the shrewdest men that ever operated a train on the Underground Railroad. So cunning was he and so full of resources, that he operated quietly and efficiently without arousing the suspicion or resentment of the pro-slavery element of the community. He successfully carried out some of the boldest enterprises ever attempted in southern Iowa. It is alleged that he transported a surrey, filled with negro fugitives, in open daylight from Salem to Denmark along the public highway, past friend and foe, unsuspected by all. He is said to have adopted the following method.

Many of the Quakers of his day had carriages not unlike the farmer's surrey of recent days, in which they were accustomed to drive from meeting to meeting. At Salem, he caused the fugitives to be dressed in the accustomed garb of the Quaker women with shaker bonnet and black veils. The supposed Quaker women were then openly seated in his carriage and boldly driven to safety without arousing suspicion.

Not only were there attempts to return the slaves to their masters: even legally free negroes were in danger. One of these lived near Salem on a little wooded stream south of

the town. What his true name was is not now known. He was always spoken of as "Old Hawk". His little cabin was located in a grove close beside the running brook. Old Hawk was regarded with awe and wonder by the small boys of the community and by some of the older people with superstitious fear, for he was supposed to possess the power of burning water. On quiet summer evenings, the boys would gather at his cabin and ask him to set the water of the creek on fire. On numerous occasions, he complied with their request, touching a fagot to the water, which would then burn with a steady flame until he saw fit to extinguish the blaze.

About 1857, some strangers appeared in the vicinity of Salem, and by various schemes became very intimate with Old Hawk and gained his confidence. They offered him large rewards if he would go with them to Missouri, but cautioned him to keep this offer a secret and let no one know of his intended departure. Fortunately for the negro he had a friend in Salem in whom he had implicit confidence — Rev. Hemmenway, the Congregationalist minister. He was a friend of the oppressed and an ardent advocate of liberty. To this man Old Hawk told in confidence the story of his intended departure. The spirit of Rev. Hemmenway rose in fiery indignation. He told the negro it was a hellish plot to kidnap him and sell him into slavery, and for him to have nothing more to do with his new found friends. Old Hawk saw no more of his pretended benefactors.

DENMARK

Associated with the Quakers of Salem in this work of humanity was a very different type of people. Twenty miles to the southeast, in Lee County, is situated the town of Denmark. This town was founded by people from New England, descendants of the Pilgrims or adherents to the

Pilgrim faith, and they inherited the virtues and the fortitude of the Puritans. Reared in the love of liberty and independence, and being the champions of personal freedom, the Puritans were the militant enemies of oppression. Unlike the peaceful and non-resistant Quaker, these Congregationalists were ready to defend their principles with sword and gun as well as through cunning and strategy. The fugitive slave, who had been rescued from his master by the strategy of the Salem Quaker, was delivered to the Puritans of Denmark who often guided him by armed force to Burlington, and on to eventual freedom.

Here is one of the strangest anomalies in history. It should be remembered that the ancestors of these Denmark Puritans were, in New England, the bitter enemies of the Quakers. They persecuted them in various ways, subjected them to severe whippings, tried them for witchcraft, threw them into prison, bored their ears, banished them from the colonies, and even resorted to hanging. The Quaker patiently endured these persecutions and persisted in the exercise of his religious rites until he gained a home and resting place in the destined land of freedom.

Here on the prairies of Iowa were the descendants of these Puritan persecutors and the descendants of the persecuted Quakers working in friendly coöperation to liberate the bondmen of an alien race. The people of Denmark were a superior class of citizens, educated and cultured, versed in the principles of civil government as taught by their New England ancestors, and law-abiding and just in their dealings with men; but they had no respect for the supreme law of the land which proclaimed the right of one individual to hold another in bondage, and made it a criminal offense to assist a fugitive slave to gain his liberty, and they violated these laws without compunction. Moreover, they were ready to defend their principles by force of arms.

To understand fully the attitude of the Denmark Congregationalists, we will have to take a review of the distinctive doctrines of the Puritan faith. The following precepts will enable us to understand their attitude on this question of law and order. We quote "Every individual has immediate access to God, and in all the offices of the spirit is responsible to Him alone. As men are responsible to God alone, all are under a sacred obligation to insist on the right and duty of absolute mental freedom, unhindered by dictation from any human power. Above all other truths, Puritanism places God the Sovereign and then declares that before that Sovereign all men have equal rights. It never asks where he was from, what is his name or from what race he sprang." From these precepts, it can be seen that individual liberty, both mental and material, was a sacred principle that applies to all men, and must be defended at any cost. The reader can now understand why the Quaker and Puritan could work together in harmony: both believed in the "higher law" of conscience.

Any history of the Underground Railroad in Denmark would be incomplete without mention of Rev. Asa Turner. Born in New England of Puritan ancestry, he was imbued with the spirit of individual liberty to such a degree that any domination of one individual over the rights of another caused his soul to burn with righteous indignation. He was entirely and openly opposed to the national policy on the question of slavery, and he left no stone unturned to spread the doctrine he so ardently espoused. He not only advocated the cause of the bondmen in private and public gatherings, but he carried his doctrines to the pulpit and often preached against the slave system.

As a general rule his parishioners agreed with him; but it could not be expected that in the age where pro-slavery sentiment was dominant that some discordant note would

not be sounded, or some spirit of discontent aroused among his congregation. One aged member of his church wrote him an earnest letter advising him not to desecrate his pulpit by preaching the cause of abolitionism, to adhere strictly to the teachings of Christ as set forth in the Bible, and not to meddle with national political policies. But from a higher source of authority also came a note of protest. Bernhart Henn, a member of Congress from Iowa, wrote him an exhaustive letter protesting against his agitation of the slavery question. Congressman Henn expressed his belief that slavery was an injury to those who practiced it, but he had never considered it a moral wrong. He held with A. H. Stevens that the African was an inferior race and that slavery was his natural state; that to grant equal political privileges to the negro was warring against both God and nature. God had made one race to differ from another, even as he had made one star to differ from another in glory. It was futile to try to place on an equality races of men that had been created different.

Under all these weighty protests, Asa Turner never wavered from the course he had taken. He believed that he was right and, having faith in the right, he sought no further justification for his conduct. He further held that the fugitive slave law of his day was contrary to all the principles of right and justice; that it was contrary to the teachings of Christ, and the Holy Scriptures; and that the enactment of an unjust law by the national Congress was no reason he should abandon his ideals of justice.

With Asa Turner to believe was to act. Following the dictates of his conscience he never turned the needy from his door or hesitated to assist the fugitive who was fleeing from bondage. Many former slaves owed their freedom to the timely action of Asa Turner. Although a great many fugitives were aided in gaining their liberty by the people

of Denmark it is only possible at this late date to give a few instances of the manner in which these unfortunate people were assisted to freedom.

On one occasion, two negroes were attempting to escape by crossing the river to Illinois. They were placed in the bottom of a wagon box and covered with farm produce, and in this way crossed the river on the same boat that carried their pursuers who were seeking them as their lawful property.

Theron Trowbridge was also a devout man and faithful in his attendance at the church where Asa Turner preached the gospel of Christ and liberty. He was bold and active in assisting slaves to elude their pursuers and so prominent had he become in this work that the Missourians offered a reward for his capture.

One Sunday morning, he had a number of negroes harboring in his home. He knew that their masters were in the vicinity searching for them with bloodhounds and he anticipated that the pursuers would be at his home that day. Faithful to his custom, however, Mr. Trowbridge repaired to his church to do homage to his Maker, but before going to church he prepared some biscuit to tempt a hungry hound. His son, J. B. Trowbridge, was left at home, with instructions to feed any of these dogs which came about the house. True to his expectations the dogs came, and as they appeared at the rear of the dwelling trailing the fugitives, the son fed the dogs the biscuit the elder Trowbridge had prepared. It is said that these bloodhounds gave up their lives at no great distance from the Trowbridge home.

Asa Turner often related with unrestrained glee the story of a little Quaker woman of Salem at whose home a negro fugitive was harboring. When the hunters came in search of their property, she pushed the husband, who was ill, aside and answered the door herself. When the search-

ers asked her if she knew where the "nigger" was, she promptly answered, "Yes, I do. He is not two hundred yards from this door, and if you had not been a set of fools, you would have found him long ago." They looked elsewhere for their man.

EXTENDING THE UNDERGROUND RAILROAD

At the time of the Kansas border war, John Brown crossed Iowa several times on his way to Kansas or to the East. His object in going to Kansas was to assist the anti-slavery forces, not to establish a home, and as he passed through Iowa he established a line of travel for his fugitive slaves. Beginning in the west at Tabor, the line ran north and east to Madison and Dallas counties. This line passed through Earlham — a Quaker settlement — Des Moines, Grinnell, Washington, Crawfordsville, and Muscatine. Near Earlham, to which Quakers from Salem had carried the spirit of Thomas Frazier, Brown established one of his most trusted stations.

A narrative written by Herman Cook, who was a conductor on the road, tells some of the incidents of travel along this section of the Underground Railroad.

"After John Brown came through Iowa, stations were known and accounted for. The train started from Tabor, Fremont County, and crossed diagonally Adair County, striking Summit Grove, where Stewart is now located. From here, one line went east down Quaker Divide (Quaker Divide was a Quaker settlement and meeting known as Bear Creek, five miles northwest of Earlham) and the other crossed the Coon River near Redfield, then through Adel, both coming together in Des Moines.

"Many times colored men and women would be seen crossing the prairies from Middle River to Summit Grove — slaves running away to freedom. In the winter of 1859-60,

Cook was going to Bear Creek driving a carriage, and in it were two young colored women. They were sisters and from the west border of Missouri. Their master was their father and they had both been reared in the family. War was apparent and their master decided to sell them 'down south'. They heard the plotting and found out that they were to go on the auction block, and made a run for the North Star. They had been on the road seven weeks when they arrived at A. W. L's at Summit Grove. (A. W. L's was Alysters W. Lewis.)

"Before daylight, they were housed at Uncle Martin's. Two days later, one of the sisters, who had been out in the yard, came running in and told grandmother, 'Master is coming up the road.' Grandfather went out in front and sat down in his chair against the side of the door. By this time, a number of men had ridden up, and asked him if he had seen any slaves around. He told them that slaves were not known in Iowa. Then one of them said, 'I am told that you are an old Quaker, and have been suspected of harbouring black folks as they ran away to Canada. I have traced two girls across the country, and have reasons to believe that they have been here.' Grandfather said, 'I never turn anyone away who wants lodging, but I keep no slaves.' 'Then, I will come in and see,' said the man, and jumped off his horse and started for the house. Grandfather stood up with his cane in his hand, and stepped into the door when the man attempted to enter and said, 'Has thee a warrant to search my house?' 'No, I have not.' 'Then thee cannot do so.' 'But, I will show you', said the man. 'I will search for my girls.'

"While this parley was going on, and loud words were coming thick and fast, Grandmother came up and said, 'Father, if the man wants to look through the house let him do so. Thee ought to know he won't find any slaves here.'

Grandfather turned and stared at her a minute, and then said, 'I ask thy forgiveness for speaking so harshly. Thee can go through the house if mother says so.'

"Grandfather showed him through all the rooms, but stayed close to him all the time. After satisfying himself that they were not there, he begged the old man's forgiveness, mounted his horse and rode away. When the coast was clear, it was found that when Maggie had rushed in and said 'Master is coming' grandmother hastily snatched off the large feather bed, spread it all over them, put on the covers and pillows, patted out the wrinkles, and so no slaves were seen."

The party referred to in the foregoing narrative as Uncle Martin was Martin Cook, and grandfather and grandmother referred to were John and Anna Cook, uncle and grandparents respectively of Herman Cook.

"One time a load was being taken down the south side of Coon River, and had reached the timber on the bluffs near Des Moines. About three o'clock in the morning, as the carriage was leisurely going along, the sound of distant hoofbeats were heard, coming behind. At first it was thought the carriage could out run the pursuers, but prudence forbade. A narrow road at one side was hastily followed a few rods, and the carriage stopped. The horseman passed on, swearing eternal vengeance on the whole 'caboodle' if captured. When sounds were lost in the distance, a dash was made for the depot in Des Moines, and all safely landed before daylight."

Mr. Cook relates that some months after this wild midnight ride, he was coming from Adel on horseback, opposite Mr. Murry's, east of Redfield. Here he saw old man Murry and a stranger back of the barn. He was beckoned over. The stranger proved to be Old John Brown of Osawatomie. Murry told Brown that this was the young man that came

so near being caught on a trip to Des Moines. Brown said, "Young man, when you are on the Lord's business, you must be more discreet. You must always listen backwards as you are always followed." He told young Cook that he was responsible for that line of road, and he wanted his conductors to be more careful in the future. "Things are coming to a head," he said, "and somebody is going to get hurt."

Cook became a soldier in the Civil War, and in 1864, while at Memphis, in Tennessee, he saw for the first time a regiment of colored soldiers. One of the lieutenants in this regiment was Henry, who was with him in that midnight run for the depot in Des Moines. The negro officer was also a trusted scout for the general of his division.

In addition to the route laid out by John Brown through Tabor, Des Moines, Grinnell, and Muscatine, there was another through Fairfield, Richland, Clay, and Washington, which joined the other road at Crawfordsville, a small town in the southeastern part of Washington County. The road through Fairfield and Richland was in reality an extension of the work of Salem and Denmark.

Salem was the gateway through which all emigrant Quakers passed. Stopping at Salem for a season, until they could get their bearing, they pressed forward to the interior, and soon settlements were made at Pleasant Plain, Richland, and a little later on in Warren, Madison, and Dallas counties, centering around the town of Earlham. For many years, these communities looked to Salem as the fountain head of Quakerism in Iowa.

As Salem was the gateway of Quakerism, so Denmark was the Mecca of Congregationalism. From Denmark, missionaries were sent out into the interior to gather into flocks the scattered sheep of the fold, and also provide an abiding place for those who had no religious home.

Churches were established at Fairfield and at a point called Clay near Pleasant Plain and Richland.

Here history repeated itself. The influence of Salem and Denmark abided with these communities, and Congregationalists and Quakers were found working in harmony in this humanitarian cause. Fugitives who reached Fairfield were taken in charge by friends who would conduct them to Richland or Pleasant Plain, and then to Clay; from whence, they would be moved to Washington and on to Crawfordsville and Muscatine.

We are fortunate in being able to preserve the names of a number of the conductors on this route. Allen Stalker was the manager from Fairfield to Richland or Pleasant Plain; then, Henry Morgan and Manning Mills would convey the fugitives to Clay and on to Washington. Here they would be taken care of by John and Martin C. Kilgore.

Some amusing stories are still preserved of the happenings along this line of the Underground Railroad. O. W. Basworth relates that when a small child, some slaves were concealed in the loft of his father's barn. He of course did not know the secret, but as he was playing about the barn, he saw one of the negroes looking down at him. He ran to the house and told his folks that the black colt was up in the barn loft.

At another time, when Henry Morgan was conveying a load of fugitives from Clay to Washington in a covered wagon, and was about to enter the ferry boat to cross the Skunk River, the slave masters rode up and prepared to look into the wagon. Morgan yelled, "We've got smallpox in there." The pursuers wheeled and taking the back track were seen no more.

On account of the convergence of these two roads, the traffic from Crawfordsville to Muscatine was very heavy. When John Kilgore and Martin C. Kilgore brought their

fugitives from Washington, Colonel Rankin would receive them and conceal them in the loft of the "House of all Nations". On the following night Colonel Rankin would take them out at the back door, to the barn, where he would place them in a covered wagon and drive them to Colonel Baily's house in Columbus City. On the following night Colonel Baily would go through a similar performance and land them safely at Muscatine. As many as thirteen fugitives were concealed in the "House of all Nations" at one time. Very few, if any, were ever captured.

The "House of all Nations" was a large, inartistic structure, built by Colonel Rankin for a hotel and living house. One large room was used at times for a store room. It received its cognomen from the numerous and different classes of people that had occupied it, and from the varied uses to which it was put.

Crawfordsville has a unique history, and it is fitting that it should be mentioned here. It was settled at an early date by the seceder branch of the Presbyterian Church whose influence dominated the community. These seceders would allow no musical instruments in their church, and sang nothing but psalms. In the strictest sense of the term, they "remembered the Sabbath Day to keep it holy." They assisted in the work of the Underground Railroad, but were not the leaders in the movement.

The high distinction that Crawfordsville enjoys arises from the fact that it has a claim to be considered the birthplace of the Republican party. In 1854, the Liberty party, Free Soil party, and similar organizations opposed to the extension of slavery began to unite. A State convention to which all these different organizations were invited was called at Crawfordsville, in February, 1854. The convention was held in the Seceders church on the exact location of the United Presbyterian Church of to-day. As this was

a mass convention, it is not possible to obtain the names of many of the delegates. From Mt. Pleasant went the noted educator, Samuel L. Howe, and his son Edward Howe; from Salem went Joel C. Garretson and Eli Jessup; and from Denmark, Dr. Curtis Shed.

Edward Howe was chairman of the Committee on Resolutions, which retired to the "House of all Nations" for their deliberations. This house stood on the spot now occupied by the Second National Bank. Miss Sarah Crawford, a daughter of Dr. Crawford, for whom the village was named, went with the committee to trim the lampwick and keep up the fire. Owing to the different organizations represented, and the divergence of views, the committee deliberated a number of hours before the members finally agreed and reported the platform to the convention. Here it was warmly discussed, amended, reamended, and adopted. It was well toward morning when the convention adjourned, and the child thus born was christened the "Republican party".

I am not unmindful of the fact that the usual claim is that the Republican party was born at Ripon, Wisconsin, on March 20, 1854. The convention at Crawfordsville antedated the Ripon meeting at least one month, and as the union here perfected was named the Republican party, Crawfordsville is fairly entitled to the distinction of being the birthplace of this organization.

O. A. GARRETSON

SOME PUBLICATIONS

A History of Minnesota, Volume II. By William Watts Folwell. Saint Paul: Minnesota Historical Society. 1924. Pp. 477. Plates, maps. This second volume of a series of four comprising *A History of Minnesota* continues the history of the State from 1857 to the end of the Civil War period in 1865. Following the admission of Minnesota into the Union the formative years of the State parallel the struggle between the North and the South. Although suffering from the effects of the panic of 1857, from the building of railroads without sufficient funds, and from wildecat banking, Minnesota did not hesitate to pour out her manhood and her money to help preserve the Union.

During the second year of the Civil War Minnesota faced a widespread Indian uprising within her borders and the State had to carry on the Sioux War almost unaided by the Federal government. In the story of Minnesota the Sioux outbreak is an event of major importance, and is the justification given by the editor for the amount of space devoted to it in this volume. The fact that eight of the twelve chapters in the second volume are used for the discussion of Minnesota in the Civil War and in the Sioux wars is explained by the fact that the important political and economic developments of the State "were adjourned to await the outcome of those struggles and that the economic and political history of the state in the period to follow was conditioned to a very large extent on their events and results."

Seventeen topics, some of which are of major importance in the history of the years covered, are placed in an appendix so that the unity of the main narrative may be preserved. A complete and carefully compiled index closes the volume.

Volume two of Dr. Folwell's *A History of Minnesota* continues the scholarly standard maintained in volume one. The illustrations and maps are well selected, and the volume in content and form is a credit to the author and the Minnesota Historical Society.

The Story of Sault Ste. Marie and Chippewa County. By Stanley Newton. Sault Ste. Marie: Sault News Printing Company. 1923. Pp. 200. Plates. This volume is a local publication tracing in newspaper form the story of a locality rich in history. *Bowating in Immemorial Times*, *Le Saut de Gaston — The Seventeenth Century*, *Le Saut de Sainte Marie — The Eighteenth Century*, *Sault Ste. Marie — The Nineteenth Century*, and "*The Soo*" — *The Twentieth Century* are the chapter headings, and each chapter contains a number of subheadings in the style of a magazine article. The volume brings in review characters and events that have made Sault Ste. Marie a place of extraordinary historical interest.

Jesse Leonard Rosenberger is the author of a volume entitled *The Pennsylvania Germans*, published by the University of Chicago Press.

Connecticut's Place in Colonial History, an address by Charles McLean Andrews, has been published in book form by the Yale University Press.

New Jersey Politics During the Period of the Civil War and Reconstruction, a monograph by Charles Merriam Knapp, has been published recently in book form.

The Ozark Bluff-Dwellers, by M. R. Harrington, *The Field of Paleolithic Art*, by George Grant MacCurdy, and *Zuni Weaving Technique*, by Leslie Spier, are three articles in the January-March number of the *American Anthropologist*.

Burials in the Aztec Ruin and *The Aztec Ruin Annex*, two articles by Earl H. Morris, and *Notes on Shoshonean Ethnography*, by Robert H. Lowie, are contributions in recent numbers of *Anthropological Papers of the American Museum of Natural History*.

Lincoln Diplomacy, *Letters of William C. Rives, 1823-1829*, and *The Court's Valuation of Property Impressed for the Use of the Public in Greensville County, Virginia, During the Latter Period of the Revolutionary War* are three of the contributions in the April issue of *Tyler's Quarterly Historical and Genealogical Magazine*.

The Alabama-Kearsarge Battle, by William M. Robinson, Jr., a continuation of *Salem Vessels and Their Voyages*, by George Granville Putnam, and another installment of *Blockade Running During the Civil War*, by Francis B. C. Bradlee, are the three articles in the *Historical Collections of the Essex Institute* for April.

Trials and Triumphs of Catholic Pioneers in Western Pennsylvania, translated by Felix Fellner, *Development of the Early Jesuit Missions*, from the notes of Francis Barnum, and *The Work of the Sisters of Mercy in the Archdiocese of Cincinnati*, by Mary Eulalia Herron, are the three papers which make up the *Records of the American Catholic Historical Society of Philadelphia* for December, 1923.

The April issue of *Americana* contains a number of papers and articles, among which are the following: *The Missing Howe Order Books, 1776-1777*, by M. V. Hay; *Early History of Westchester County Newspapers*, by Alvah P. French; *Habit of Thought*, by Cyril Morand; *A Few Came Home with Gold*, by Horace Edward Buker; *The Count of "Little France"*, by Alta M. Ralph; *Fundamentalism — 1852*, by Sarah C. Reeves; *A Diary of 1776*, by J. Neilson Barry; and *The Song of Yankee Doodle*, by John J. Birch.

The Passing of a Frontier Fort, by Marie Brace Kimball, *Doctor Seth Capron*, by Louisa Kirwan Capron Thiers, *A Voyage to New York in 1838*, *Colonel James Hunter*, by Robert Hunter Dalton, *Adventures of John Campbell*, by John T. Campbell, *A Puritan Courtship*, by Henry W. Lawrence, Jr., and *First Passenger Railroad in the United States*, by John J. Birch, are the leading articles in *The Journal of American History* for January-March, 1923.

WESTERN AMERICANA

Stone Pestles and Mortars, a study by Charles E. Brown, is one of the articles in *The Wisconsin Archeologist* for January.

Old Nauvoo Days Recalled, by Solomon J. Salisbury, in *Autumn Leaves* for April, May, and June, is an article of interest to historical students.

Public Indebtedness in Indiana, prepared by the Legislative Reference Bureau, has been published as a recent number of the *Bulletin of the Extension Division, Indiana University*.

The American Historian's Raw Materials, by J. Franklin Jamieson, and *A Temple of American History*, by William Warner Bishop, are two of the addresses published in a volume describing the dedication of the Wm. L. Clements Library at the University of Michigan.

The United States, 1865-1917: An Interpretation, by James C. Malin, has been published as a recent number of the *Humanistic Studies*, issued by the University of Kansas.

The "Old Brigg" Adams, by M. M. Quaife, is the paper which makes up the March number of the *Burton Historical Collection Leaflet*. *The Royal Navy of the Upper Lakes*, also by M. M. Quaife, is the chief contribution to the May number.

The Latter Day Saints in Iowa, by S. A. Burgess, and a continuation of *John J. Cornish: An Autobiography* are two articles in the April number of the *Journal of History*.

The Household Arts of the Indian Pueblos, by Pedro J. Lemos, is one of the papers in *El Palacio* for April 15, 1924. The number for May 15th contains an account of the scientific work of Frank Springer, and an *Analysis of the Prehistoric Art of the Southwest*, by W. D. Šwope.

The First Land Court of Kentucky, 1779-1780, an address by Samuel M. Wilson before the Kentucky State Bar Association, has been reprinted from the *Proceedings of the Kentucky State Bar Association* with the addition of notes, appendices, and illustrations.

The Diary of Orville H. Browning; A New Source for Lincoln's Presidency, a lecture delivered by Theodore Calvin Pease before the Chicago Historical Society on March 29, 1923, has recently been published as a pamphlet.

The Need of a Renaissance of American Constitutionalism, an address by Royal A. Stone, *A Rule of Law*, by Harrison A. Bron-

son, *The State Bar Association of North Dakota: Its Organization, Work and Purpose*, by L. R. Nostdal, and the *First Twenty-five Years of the Law School of the University of North Dakota*, by Lauriz Vold, are some of the contributions in *The Quarterly Journal of the University of North Dakota* for April.

"*The Last Great West*", by L. E. McKenzie, *Down the Flambeau*, by Alonzo W. Pond, *General Grant in Wisconsin*, by O. D. Brandenburg, *Origin of the Seal of the University of Wisconsin*, by Janet Hull, and *Wisconsin's Great Collector*, by Louise Phelps Kellogg, are some articles of historical interest in *The Wisconsin Magazine* for March-April. *The Birth of Castalia and Early Co-Education at the University of Wisconsin*, by Helen J. Baldauf, *How Wisconsin's Historical Society Serves the State*, by Alicia Grant, *Wisconsin Has Furnished Many of Chicago's Leading Surgeons*, by Florence Kelli-lea, *Elizabeth Jordan, Wisconsin Author*, by Josephine J. Brabant, *Old Shot Tower at Tower Hill State Park*, by Florence Peck, *Belle Boyd, Rebel Spy*, by H. E. Cole, and *Pioneer Hotel Keeping*, by Harold M. Griffin, are similar articles in the May number.

IOWANA

How Iowa Got Its Ritual, by A. L. Kress, is one of the papers in the *Quarterly Bulletin of the Iowa Masonic Library* for April.

The April number of *The Community Builder* contains some data concerning the State of Iowa and a description of Fort Dodge.

Father Taylor: A Story of Missionary Beginnings has recently appeared in book form. This is a biographical sketch of Chauncy Taylor, an early Congregational minister in Iowa.

A Decade of Improvement, by E. R. Harlan, and *Iowa Political Conventions and Platforms*, by David C. Mott, are the two articles published in the *Annals of Iowa* for July, 1923.

Yankee Views of Iowa in the 'Seventies, a short article descriptive of the State University of Iowa in 1870, is reprinted in *The Iowa Alumnus* for April 21, 1924.

A Sketch of Interesting History of Arnolds Park, by Mrs. A. O.

Stevens, and *Early Memories of Dickinson County*, by Mrs. Myra Smith Wickwire, are two short articles of historical interest in Bulletin No. 20 of the Okoboji Protective Association.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Babbitt, Charles H.,

Peter in the Pumpkin (The Palimpsest, May, 1924).

Baldwin, Bird T.,

The Uses and Abuses of Weight-Height Age Tables as Indexes of Health and Nutrition (Journal of the American Medical Association, January 5, 1924).

Barrows, Sarah T.,

Pronunciation Book. Iowa City: Published by the author. 1924.

Beckman, R. W.,

Road Relocation Involves Rock Cut (The Iowa Engineer, March, 1924).

Brown, Bernice,

Men of Earth. New York: G. P. Putnam & Sons, 1924.

Brown, Charles Reynolds, (Joint author)

Christianity and Modern Thought. New Haven: Yale University Press, 1924.

Brown, Charles Reynolds,

What Is Your Name? New Haven: Yale University Press, 1924.

Buckley, Homer T.,

Creative Selling — 1924 Business (Journal of Business, March, 1924).

Burgess, S. A.,

The Latter Day Saints in Iowa (Journal of History, April, 1924).

Canaday, Elizabeth B.,

The House That Lives (The Delineator, March, 1924).

- Carter, E. D.,
"Buried Treasure" or "The Secret of the Prairies," at Perry, Iowa (The Northwestern Banker, May, 1924).
- Carver, Thomas Nixon,
Elements of Rural Economics. Boston: Ginn & Co. 1924.
- Chamberlin, Harold,
Some Aspects of Credits (Journal of Business, March, 1924).
- Clapp, Paul S.,
Superpower Plants Conserve Coal (The Iowa Engineer, March, 1924).
- Converse, Blair,
Black Furrows (The Midland, April, 1924).
- Cosson, George,
Direction of Verdicts in Iowa (Iowa Law Bulletin, March, 1924).
- Drayer, C. E.,
Engineers Develop Code of Ethics (The Iowa Engineer, May, 1924).
- Erbe, Carl Herman,
Constitutional Provisions for the Suffrage in Iowa (The Iowa Journal of History and Politics, April, 1924).
- Farrell, Mable,
A Gypsy Moon (play). Chicago: Old Tower Press. 1924.
- Ficke, Arthur Davison,
Out of Silence. New York: A. A. Knopf. 1924.
Reflections of a Bible Reader (American Mercury, March, 1924).
- Field, Mildred Fowler,
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SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

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Early argonauts at Cherokee, in the *Cherokee Times*, March 14, 1924.

Some old-time homes, in the *Iowa Falls Citizen*, March 14, 1924.

Things ancient and very modern, by C. P. Tillmont, in the *Centerville Iowegian*, March 14, 1924.

Memories of the California gold rush, in the *Sioux City Journal*, March 15, 1924.

The Des Moines Rapids Canal, by F. A. Whitney, in the *Burlington Saturday Evening Post*, May 15, 22, 1924.

Pioneer experiences in Iowa, by John F. Fish, in the *Burlington Hawk-Eye*, March 16, 1924.

Peace parley at Prairie du Chien in 1825, in the *Dubuque Telegraph-Herald*, March 18, 1924.

Sketch of Anton Dvorak, by Wm. Arms Fisher, in the *Riceville Recorder*, March 19, 1924, and the *West Union Gazette*, March 28, 1924.

An old time engine, in the *Des Moines Tribune*, March 19, 1924.

Sketch of the life of Nancy Newman Howard, pioneer teacher, in the *Knoxville Journal*, March 20, 1924.

Sketch of the life of J. L. Waite, in the *Burlington Gazette*, March 21, 1924.

A hanging at Oquawka, in the *Burlington Hawk-Eye*, March 22, 1924.

The death of George Washington, in the *Vinton Times*, March 24, 1924.

Visit of J. M. Lindsley, veteran railroad man, to Vinton, in the *Vinton Eagle*, March 25, 1924.

Sketch of the life of Judge J. P. Conner, by F. W. Meyers, in the *Denison Review*, March 26, 1924.

Some township history, in the *Independence Journal*, March 27, 1924.

History of Onawa, by Harry Wilkinson, in the *Onawa Sentinel*, March 27, 1924.

Some Washington County history, by J. D. Glasgow, in the *Riverside Leader*, March 27, 1924.

Prairie day life, in the *Ottumwa Courier*, March 29, 1924.

Sketch of the life of Amelia Rulo, pioneer, by Gertrude Henderson, in the *Sioux City Journal*, March 30, 1924.

After the Civil War, by Henry Karwath, in the *Davenport Democrat*, March 30, 1924.

Sketch of the life of Henry Dayton of Waukon, in the *Dubuque Times-Journal*, March 30, 1924.

Experiences of pioneer life, in the *Manson Journal*, April 3, 1924.

Webster City in 1875, in the *Webster City News*, April 3, 1924.

Sketch of the life of H. W. Sigworth, pioneer doctor, in the *Anamosa Eureka*, April 3, 1924.

White Pigeon school as a social center, by J. F. Hinkhouse, in the *Tipton Advertiser*, April 4, 1924.

Pioneer days in Coon Rapids, in the *Coon Rapids Enterprise*, April 4, 1924.

Old first Baptist church, in the *Waterloo Courier*, April 5, 1924.

A pioneer farmer tells his story, by Marion C. Miller, in the *Council Bluffs Nonpareil*, April 6, 1924.

Sioux City in 1884, by John W. Carey, in the *Sioux City Journal*, April 6, 1924.

Early days in Cass County, in the *Atlantic News*, April 7, 1924.

The Antoine Le Claire home to be preserved, in the *Davenport Times*, April 8, 1924.

Quaker settlement at Salem, eighty-nine years old, in the *Marshalltown Times-Republican*, April 8, 1924, the *Ottumwa Courier*,

April 9, 1924, the *Clinton Herald*, April 9, 1924, the *Muscatine Journal*, April 11, 1924, the *Charles City Press*, April 12, 1924, the *Washington Journal*, April 12, 1924, the *Mt. Pleasant News*, April 12, 1924, the *Burlington Hawk-Eye*, April 20, 1924, and the *Fairfield Ledger*, April 23, 1924.

Guerrillas in Davis County, by Hersel Hall, in the *Bloomfield Republican*, April 8, 1924.

The Story of West Liberty, by Ralph Phelps, in the *West Liberty Index*, April 10, 1924.

Early days in Storm Lake, by Elizabeth Mandeville, in the *Storm Lake Pilot-Tribune*, April 11, 1924.

Davenport Gazette of June 16, 1864, in the *Davenport Times*, April 12, 1924.

Sketch of Edward Corrin, centenarian, by Florence L. Anderson, in the *Burlington Hawk-Eye*, April 13, 1924.

Jesse James in Iowa, in the *Oakland Acorn*, April 16, 1924.

An old school record, in the *Jefferson Bee*, April 16, 1924.

Fort Williams as an Indian outpost, in the *Swea City Herald*, April 17, 1924, the *Algona Republican* and the *Estherville Republican*, May 21, 1924, and the *Ringsted Dispatch*, May 22, 1924.

Hawleyville pioneers, in the *Clarinda Journal*, April 17, 1924.

A map of 1826, in the *Osceola Sentinel*, April 17, 1924.

History of Quaker neighborhood revealed in a diary, by Lillie Young McKinney, in the *Dubuque Times-Journal*, April 20, 1924, and the *Waterloo Tribune*, April 20, 1924.

Destruction of Kelly's book store, a Dubuque landmark, in the *Dubuque Telegraph-Herald*, April 20, 1924.

Sketch of the life of H. L. Olson, an early settler, by C. A. Hurd, in the *Northwood Anchor and Index*, April 23, 1924.

Old time recollections, by T. R. Moore, in the *Manson Journal*, April 24, 1924.

Sketch of the career of Samuel V. Whitaker, in the *Keosauqua Barometer*, April 24, 1924, reprinted from the *Des Moines Register*.

Hardships of early settlers, by F. M. Carpenter, in the *Coon Rapids Enterprise*, April 25, 1924.

Waterloo in 1886, in the *Waterloo Courier*, April 26, 1924.

The Sixth Iowa Infantry, in the *Centerville Iowegian*, April 30, 1924.

Early settlers in Jones County, in the *Monticello Express*, May 1, 1924.

Mastodon tooth found in Mills County, in the *Glenwood Tribune*, May 1, 1924.

Coming of the pioneers to Marion County, by John W. Wright, in the *Knoxville Journal*, May 1, 1924.

Living in early Iowa, by F. M. Carpenter, in the *Coon Rapids Enterprise*, May 2, 1924.

Reminiscences of Des Moines, in the *Des Moines Capital*, May 3, 1924.

Early events in Scott County, by August P. Richter, in the *Davenport Times*, May 3, 1924.

Sketch of the life of Milton Shaw, pioneer of Whittier, Iowa, by Lillie Young McKinney, in the *Burlington Hawk-Eye*, May 4, 1924.

A section hand on the Underground Railroad, by Frances D. Clark, in the *Des Moines Capital*, May 7, 1924.

The Wells family in Calhoun County, by George Wells, in the *Manson Journal*, May 8, 1924.

Early history of Winterset, by Trumbull White, in the *Winterset Madisonian*, May 8, 1924.

An old settler's story, by Mildred Price, in the *Earlham Echo*, May 8, 1924.

History of Alta, Iowa, by Louise Isbell, in the *Storm Lake Pilot-Tribune*, May 9, 1924.

Chief Waubonsie, in the *Shenandoah Post*, May 9, 14, 1924, and the *Des Moines Register*, May 14, 1924.

Sketch of the life of W. D. Holsapple, veteran river pilot, in the *Davenport Democrat*, May 11, 1924.

Webster City history in pageantry, in the *Webster City Journal*, May 12, 1924, and the *Webster City News*, May 13, 1924.

The story of Oskaloosa, in the *Oskaloosa Herald*, May 13, 1924.

Hornet's Nest Brigade veterans, in the *Keokuk Gate City* and the *Fort Dodge Messenger*, May 14, 1924.

Pioneer churches in Greene County, in the *Jefferson Bee*, May 15, 1924.

History of Blue Grass Township, by August P. Richter, in the *Davenport Times*, May 17, 1924.

Sketch of the career of James Stewart, one of Custer's scouts, in the *Keokuk Gate City*, May 17, 1924.

Coming of the Swedes to Jefferson County, in the *Fairfield Ledger*, May 19, 1924, and the *Mt. Pleasant News*, May 31, 1924.

An old settler's story, by William M. Bragg, in the *Washington Journal*, May 20, 1924.

History of Bradford Township, by H. C. Evans, in the *New Hampton Tribune*, May 21, 1924.

Some interesting G. A. R. history, by Hamilton D. Newland, in the *Center Point Independent*, May 22, 1924.

The settlement of Walcott, by August P. Richter, in the *Davenport Times*, May 24, 1924.

Old Fort Crawford cemetery, in the *Dubuque Telegraph-Herald*, May 25, 1924.

The Little Brown Church, in the *Nashua Reporter*, May 28, 1924.

HISTORICAL SOCIETIES

PUBLICATIONS

The Journal of the Presbyterian Historical Society for April contains the first installment of *The Influence of the Presbyterian Church in Early American History*, an article by Henry D. Funk.

A biographical sketch of James Bryce, by Alfred Johnson, is included in the January number of *The New England Historical and Genealogical Register*.

Indiana's First War, translated by Caroline and Eleanor Dunn, has been published as a recent number of the *Indiana Historical Society Publications*.

Colonial Ruins, Colonial Architecture and Brickwork, of the Chesapeake Bay Section, by Henry J. Berkley, is one of the papers in the March number of the *Maryland Historical Magazine*.

The Historical Society of New Mexico has published *Dr. Josiah Gregg, Historian of the Santa Fe Trail*, a biographical sketch by Ralph Emerson Twitchell.

Reminiscences of Old Fort Washakie, by Homer W. Wheeler, an autobiographical sketch by John H. Gordon, and *Early Days in the West*, by T. H. McGee, are three of the papers in the April number of the *Quarterly Bulletin of the Historical Department of Wyoming*.

Richard Dobbs Spaight, by Alexander B. Andrews, *The Lure of Historical Research*, by Adelaide L. Fries, and *The North Carolina Fuel Administration* are the three articles in *The North Carolina Historical Review* for April.

An Indian Medal of 1750, by Sydney P. Noe, and *Cadwallader Colden and His Homestead at Spring Hill, Flushing, Long Island*, by A. J. Wall, are two articles of general interest in the April issue of *The New York Historical Society Quarterly Bulletin*.

The Michigan Historical Commission has recently distributed the second volume of *Michigan Biographies*. The biographical sketches are arranged alphabetically, this volume containing the names beginning with the letters L-Z.

The *Southwestern Historical Quarterly* for April contains *The Texas State Military Board, 1862-1865*, by Charles W. Ramsdell, *The Expedition of Panfilo De Narvaez*, by Gonzalo Ferdinand Oviedo y Valdez, and an eleventh installment of *The Bryan-Hayes Correspondence*, edited by E. W. Winkler.

Early Vevay, by Perret Dufour, *Phases of Southeastern Indiana History*, by Vida Newsom, *Judge John Griffin, Hoosier Pioneers*, by Joseph Walker, and *Morgan's Raid*, by J. Eberle West, are the five articles in the March number of the *Indiana Magazine of History*. A list of the members of the Indiana Historical Society is included.

The May number of the *Minnesota History Bulletin* contains an article by John P. Pritchett on *Some Red River Fur-trade Activities* and a report of the annual meeting of the Minnesota Historical Society for 1924. Under the head of *Notes and Documents* is a report of the activities of the St. Louis County Historical Society.

The Proceedings of the Joint Conference of Historical Societies and the National Association of State War History Organizations has been reprinted from the *Annual Report of the American Historical Association* for 1919. Some interesting collections of war materials are described in the reports.

The American Historical Review for April, 1924, contains an account of the meeting of the American Historical Association at Columbus, Ohio, on December 27-29, 1923, and two papers—*Triple Alliance and Triple Entente, 1902-1914*, by Bernadotte E. Schmitt, and *British Secret Service and the French-American Alliance*, by Samuel F. Bemis.

Governor William Livingston as Apprentice, Writer and Executive, by Louis H. Patterson, *Early Transportation in and About New Jersey*, by Cornelius C. Vermeule, and *The Stamp Act and*

New Jersey's Opposition to It, by James C. Connolly, are three papers in the April number of the *Proceedings of the New Jersey Historical Society*.

Gerrit Smith: An Interpretation, by E. P. Tanner, *With Some Famous American Authors in the Adirondacks*, by Charlotte A. Pitcher, and *Discoveries of the Jesuits in New York State*, by Nellis M. Crouse, are the three articles in the January issue of *The Quarterly Journal of the New York State Historical Association*.

The Cahokia Mission Property, by Joseph J. Thompson, is continued in the January number of the *Illinois Catholic Historical Review*. *Path Finders*, by John E. Kealy, and *Father De Smet — History Maker*, by Gilbert J. Garraghan, are two additional articles of historical interest.

The Georgia Historical Quarterly for March contains the following articles: *The Royal Government in Georgia, 1752-1776*, by Percy Scott Flippin; *Davis, Bragg, and Johnston in the Atlanta Campaign*, by Thomas Robson Hay; and *Student Life at the University of Georgia in the 1840s*, by Lester Hargrett. There is also a report of the eighty-fifth annual meeting of the Georgia Historical Society.

The March number of the *Chronicles of Oklahoma* contains the following papers and articles: *Some Aspects of the Santa Fe Trail, 1848-1880*, by Ralph P. Bieber; *Military Reminiscences of Captain Richard T. Jacob*; *The Three Forks*, by Grant Foreman; *A Pioneer Railroad Agent*, by Arthur W. Dunham; *Courts of the Cherokee Nation*, by William P. Thompson; and *The County Names of Oklahoma*.

The Mississippi Valley Historical Review for March contains four papers: *Francis Parkman, 1823-1923*, by Joseph Schafer; *Western Land Hunger and the War of 1812: A Conjecture*, by Louis Morton Hacker; *Southern Railroads, 1850-1860*, by R. S. Cotterill; and *The Economic Background of Frontier Populism*, by Hallie Farmer. Under *Notes and Documents* there is *Mackay's Table of Distances*, prepared by Annie H. Abel-Henderson.

Benjamin Franklin and Canada, by William Renwick Riddell, *Benjamin Franklin's Mission to Canada and the Causes of its Failure*, also by Mr. Riddell, *Lotteries in Pennsylvania Prior to 1833*, by Asa Earl Martin, and *The Provincial and Revolutionary History of St. Peter's Church, Philadelphia*, by C. P. B. Jefferys, are the four articles in the April number of *The Pennsylvania Magazine of History and Biography*.

The North Carolina Historical Commission has recently issued a volume entitled *Public Letters and Papers of Thomas Walter Bickett, Governor of North Carolina, 1917-1921*. The papers were compiled by Santford Martin and edited by R. B. House, and grouped as follows: messages to the General Assembly, proclamations, appeals to the public, public addresses, statements and interviews for the press, and public letters and telegrams.

The Quarterly of the Oregon Historical Society for March contains the following papers and articles: *The California and Oregon Trail, 1849-1860*, by Amos William Hartman; *James Colnett and "The Princess Royal"*, by Ralph S. Kuykendall; *Reminiscences of Colonel Henry Ernst Dosch*, by Fred Lockley; and *A Hudson's Bay Company Contract for Hawaiian Labor*, by George Verne Blue. There is also a memorial tribute to Governor Theodore T. Geer, by Peter H. D'Arey.

Illinois Election Returns, 1818-1848, edited by Theodore Calvin Pease, has been published as Volume XVIII of the *Collections of the Illinois State Historical Library*. It is listed as Volume I of the *Statistical Series*. As the title suggests, the volume contains detailed statistics of the elections in Illinois from 1818 to 1848. An introduction traces the political history of Illinois during this period and explains the significance of some of the votes.

Colonel George Woods, Pittsburgh's First Surveyor, by Mrs. S. Kussart, *Brodhead's Raid on the Senecas*, by Rufus B. Stone, *The Indian Conception of America as an Island*, by Stephen Quinon, a continuation of *The First Convention of the American Federation of Labor, Pittsburgh, Pennsylvania, November 15th-18th, 1881*, by

Alfred P. James, and *Greene Academy*, by Thomas S. Crago, are the articles and papers in the *Western Pennsylvania Historical Magazine* for April.

The Louisiana Historical Quarterly for April, 1923, contains the following articles and papers: *Andrew Jackson's Correspondence with James W. Breedlove*, edited by John S. Kendall; *The Visit of the Illinois Indians to France in 1725*, by William Beer; *Judge Frederick D. King: Olivier O. Provosty*; a continuation of *War as I Saw It*, by Frank L. Richardson; *The Natchez Trace*, by R. S. Cotterill; *New Orleans in 1867*, letters by Giulio Adamoli; and a continuation of *Records of the Superior Council of Louisiana*.

The sixth volume of the series *Illinois in the World War* is *War Documents and Addresses*, edited by Marguerite Edith Jenison. The documents are arranged in nine chapters dealing with the following subjects: Public Opinion and the War, Mobilizing the State's Resources for the War, Mobilizing Illinois Men for Service, Preserving Law and Order in the State, Visits of Foreign Missions, The Illinois Centennial, Bringing War Activities to a Close, Post-War Legislation, and Return of the Illinois Service Men.

The Grand Coulee, by Henry Landes, *Grand Coulee in History*, by Edmond S. Meany, *Atanum Valley Fifty-four Years Ago*, by Albert J. Thompson, *The Benjamin P. Cheney Academy*, by J. Orin Oliphant, *Seattle's First Need of a Post Office*, by George H. Himes, *Marking Historic Sites*, by W. P. Bonney, *Proposed Wagon Road to Oregon*, by J. Orin Oliphant, *Name of Mount Saint Helens*, by Edmond S. Meany, and a continuation of *The Nisqually Journal*, edited by Victor J. Farrar, are the contributions in the April issue of *The Washington Historical Quarterly*.

The Missouri Historical Review for April contains the following papers and articles: *Missouri Verse and Verse-Writers*, by M. M. Brashear; *The Test Oath for the Clergy in Missouri*, by Thomas S. Barelay; *Missouri in the Confederacy*, by David Y. Thomas; *Missourians Abroad—Henry Smith Pritchett*, by Grace Gilmore Avery; *Personal Recollections of Distinguished Missourians—Abiel Leonard*, by Daniel M. Grissom; a continuation of *The New*

Journalism in Missouri, by Walter B. Stevens; a fifteenth installment of *The Followers of Duden*, by William G. Bek; and another chapter of *Shelby's Expedition to Mexico*, by John N. Edwards.

The *Proceedings of The Mississippi Valley Historical Association 1921-1922 and 1922-1923*, which appears as an extra number of *The Mississippi Valley Historical Review*, contains a report of the fifteenth and sixteenth annual meetings and three papers — *Historical Activities in the Old Northwest, 1920-1923*, by Carl Wittke; *Historical Activities in the Trans-Mississippi Northwest, 1920-1922*, by John C. Parish; and *Historical Activities in the South, 1917-1921*, by E. Merton Coulter. There is also a directory of the Association.

The March issue of *The Colorado Magazine* contains the following articles and papers: *The Wheeler National Monument*, by Frank C. Spencer; a continuation of *The Old-Time Prospector*, by Thomas F. Dawson from an interview with Dan O'Connell; *Two Americans — Abraham Lincoln and Christopher Carson*, by A. J. Fynn; and a second installment of *Further Archaeological Research in the Northeastern San Juan Basin of Colorado, During the Summer of 1922*, by J. A. Jeancon and Frank H. H. Roberts. *The Men With Whom I've Smiled*, an address by George Q. Richmond, *First Official Visit to the Cliff Dwellings*, by W. H. Jackson, and a continuation of *Further Archaeological Research in the Northeastern San Juan Basin of Colorado, During the Summer of 1922*, by J. A. Jeancon and Frank H. H. Roberts, are three of the contributions in the May number.

ACTIVITIES

A preliminary meeting for the purpose of organizing a Howard County historical society was held at Cresco on May 12, 1924. A second meeting was called for the ninth of June.

The Worth County Historical Society has secured rooms in the municipal building at Northwood where local historical materials may be collected. C. A. Hurd has already collected a large number of relics of various kinds.

A paper by Eric Corey on the pioneer mills of Jefferson County was one of the features of the meeting of the Jefferson County Historical Society held at Fairfield on May 9, 1924. Mrs. H. E. Wisecarver read a biographical sketch of her grandfather, who built many of the mills in the vicinity.

The Madison County Historical Society held its annual meeting at Winterset on April 29, 1924. A letter from Charles Trumbull White of New York City, a paper by Arthur Goshorn, and an address by Bruce E. Mahan, of the State Historical Society of Iowa, on "A Pageant of Iowa", were numbers on the program. The officers were reelected as follows: president, H. A. Mueller; vice president, E. R. Zeller; secretary-treasurer, Jean Cash Scott.

Jay G. Roberts, commander of the American Legion post, is making an effort to revive the Mahaska County Historical Society, established forty years ago by D. A. Hoffman, Mrs. Semira A. Phillips, and others. The importance of local historical knowledge has been emphasized by the effort to secure material for the celebration of the anniversary of the founding of Oskaloosa.

The seventeenth annual meeting of the Mississippi Valley Historical Association was held at Louisville, Kentucky, on May 1-3, 1924. The Kentucky State Historical Society joined in holding its annual meeting at the same time and place. The program was interesting and well-balanced, containing papers and discussions on Civil War History, Mississippi Valley Beginnings, Political History, and Agricultural History. There was also the meeting of the History Teachers' Section, and the program of the Kentucky State Historical Society. Among the papers was one by Dorothy Don-dore of Iowa City on *Points of Contact between History and Literature in the Mississippi Valley*. The presidential address was delivered by Eugene C. Barker at the joint session on Thursday evening. The attendance was large, and the delegates enjoyed the far-famed hospitalities of Louisville which on this occasion included a luncheon tendered by the University of Louisville, a luncheon given by the Filson Club, a reception by the History Society of the University, and an automobile ride to near-by points of historical

interest. At the annual business meeting held on Friday, May 2, Frank Heywood Hodder of the University of Kansas was elected president and Mrs. Clara S. Paine was reëlected secretary-treasurer. The Executive Committee selected Milo M. Quaife as the managing editor for the publications of the Association. The meeting in 1925 will be held at Detroit, Michigan.

THE STATE HISTORICAL SOCIETY OF IOWA

The following persons have recently been elected to membership in the Society: Mr. C. W. Carter, Pasadena, California; Mr. Norman L. Cotton, Lone Rock, Iowa; Mr. Thomas Dealtry, Sioux City, Iowa; Mr. W. C. Dewel, Algona, Iowa; Miss Nora Donohoe, Iowa City, Iowa; Mr. John A. Gordon, Hamilton, Illinois; Mr. Henry Craig Jones, Iowa City, Iowa; Mr. Will B. Pilkington, McGregor, Iowa; Mr. Alvin Vandermast, Zeoring, Iowa; Mr. H. E. De Reus, Pella, Iowa; Mr. O. P. Flower, Dubuque, Iowa; Miss Marjorie N. Graham, Iowa City, Iowa; Miss Emily Grubb, Panora, Iowa; Dr. Ross Huston, Des Moines, Iowa; Mrs. E. C. Loetscher, Dubuque, Iowa; Miss Mary Lucas, Dubuque, Iowa; Mr. Roy V. Sherman, Iowa City, Iowa; Mr. J. R. Bahne, Sibley, Iowa; Mr. Tim Donovan, New Hampton, Iowa; Mr. Thos. J. Guthrie, Des Moines, Iowa; Mr. John B. Kaiser, Iowa City, Iowa; Mr. J. W. Laird, Mt. Pleasant, Iowa; Miss Marian J. Locke, Primghar, Iowa; Mr. Harold E. Scott, Sibley, Iowa; Mr. H. R. Sterrett, Des Moines, Iowa; Dr. T. B. Throckmorton, Des Moines, Iowa; Mr. Leslie R. Whipple, Mason City, Iowa; and Miss Minnie Woodmaney, Macedonia, Iowa.

The essay contest in local community history for Iowa high school pupils in which the State Historical Society of Iowa offered one thousand dollars in prizes and which was conducted during the past year in coöperation with the Iowa Federation of Women's Clubs through its Iowa History and Landmarks Committee closed with the mailing of the prize checks to the winners during the month of May. Thousands of essays were submitted in the local high schools, and of these nearly fifteen hundred won their way into the district contests. Nine essays in each congressional district were chosen by committees of judges to be entered in the State

contest. The five State judges — Irving B. Richman of Muscatine, Mrs. J. W. Watzek of Davenport, Mrs. L. B. Schmidt of Ames, Johnson Brigham and Harvey Ingham of Des Moines — read the essays in turn and then at a conference selected the first, second, and third best essay in each group of subjects together with those considered worthy of honorable mention. Three first prizes of \$150 each, three second prizes of \$100, three third prizes of \$50, and seventeen \$10 prizes for honorable mention essays were sent to the winners by the State Historical Society.

The prizes were awarded as follows: Group one — subjects: "The Story of My Grandmother", "The Story of My Grandfather", and "An Old Settler's Story"— first prize, Frances D. Clark, Roosevelt High School, Des Moines; second prize, Katharine Horack, University High School, Iowa City; third prize, Irving Grossman, Abraham Lincoln High School, Council Bluffs; honorable mention, Harvey Gustavus Allbee, Muscatine High School, George Kjome, Decorah High School, Mary Fischer, Shenandoah High School, Elizabeth Barton, Milton High School, Ruth Baty, Sigourney High School.

Group two — subject, "A Story in the History of My Community"— first prize, Margaret Louise Frailey, Fort Madison High School; second prize, William Bradley, Estherville High School; third prize, Frances Laughlin, Hopkinton High School; honorable mention, Dorothy Cate, Dubuque High School, Alice Plum, University High School, Iowa City, Caroline Rogers, Fort Dodge High School, Ruth Gulden, Burlington High School, Fred Delavan, Glenwood High School, William Russell Homan, Dubuque High School.

Group three — subject, "What Iowa Means to Me"— first prize, Orlean Lashley, Knoxville High School; second prize, Eudice Richman, Thomas Jefferson High School, Council Bluffs; third prize, Isabella R. Kingsbury, Sumner High School; honorable mention, Evelyn Hodges, Algona High School, Thelma Myli, Kensett High School, Helen A. Haskin, Charles City High School, Tice Van Dyk, Central College Academy, Pella, John Thuerauf, Solon High School, Donald MacAllister, Hopkinton High School.

NOTES AND COMMENT

West Union is to celebrate its seventy-fifth anniversary on August 16-18. It is planned also to erect a marker on the site of the first building in Fayette County — the old Culver trading post erected in 1841.

A pageant — “Builders of Democracy” — was given by high school students at Marshalltown on May 14, 1924. One of the episodes was “Westward Ho”, the coming of the pioneer.

The Marshall County Old Settlers' Association held its annual meeting at Marshalltown on April 26, 1924. F. M. Wheeler was reëlected president and John W. Long, H. F. Clemons, and W. H. Arney were chosen vice president, secretary, and treasurer, respectively. A reunion will be held at Marshalltown on August 21st.

A movement has been started for the location and marking of Fort Williams, occupied by the Fort Dodge company of the Northern Border Brigade in 1862. This pioneer fortification was in the vicinity of Iowa Lake.

A marker provided by the local chapter of the D. A. R., has been placed on the site of the first schoolhouse in Cedar Rapids. This structure was built in 1846-1847 and stood on what is now the corner of Second Avenue and Fifth Street. The marker is to be unveiled by J. O. Stewart who, as a boy, attended the pioneer school.

An elaborate pageant, written by Bessie L. Lyon, was given by the school children of Webster City on May 12, 1924. Five scenes in the history of the city were presented.

Shenandoah celebrated what is known as Indian Day or Pow-Wow Day on May 14, 1924. The central characters were Chief Waubonsie and the Pottawattamie Indians who formerly occupied this part of Iowa. E. R. Harlan of the Historical Department at Des Moines and Young Bear of the Tama Indian reservation assisted. The story of Waubonsie was told by E. R. Ferguson.

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THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE
IOWA JOURNAL
of
History and Politics

OCTOBER 1924



Published Quarterly by
THE STATE HISTORICAL SOCIETY OF IOWA
Iowa City Iowa

EDITOR
BENJAMIN F. SHAMBAUGH

Vol XXII

OCTOBER 1924

No 4

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THE IOWA JOURNAL OF HISTORY AND POLITICS

PUBLISHED QUARTERLY
AT IOWA CITY

SUBSCRIPTION PRICE: \$2.00 SINGLE NUMBER: 50 CENTS

Address all Communications to
THE STATE HISTORICAL SOCIETY IOWA CITY IOWA

THE IOWA JOURNAL OF HISTORY AND POLITICS
OCTOBER NINETEEN HUNDRED TWENTY-FOUR
VOLUME TWENTY-TWO NUMBER FOUR

THE BEGINNINGS OF DUTCH IMMIGRATION TO IOWA 1845-1847

The purpose of this article is to describe the circumstances which induced a considerable number of Hollanders to emigrate to America in the summer of 1847 and found the Dutch settlement at Pella in Marion County, Iowa. This part of the story has never been adequately treated in the accounts which deal with the subject as a whole. Fifty years after the Dutch colony began its existence one of the pioneers, K. Van Stigt, devoted several pages to this matter in a pamphlet on the history of Pella.¹ In the following year — 1898 — John Nollen, also desiring to commemorate the events of which he too had been a participant, published a small memorial pamphlet.²

In The Netherlands, J. A. Wormser next turned his attention to the ecclesiastical history of the group to which his father had belonged and in his *Een Schat in Aarden Vaten* gave a brief account of Henry Peter Scholte and his colony at Pella.³ In this work we would naturally expect a fuller discussion of the actual conditions which led the greater part of Scholte's congregation at Utrecht, accompanied by sympathizers from other parts of Holland, to

¹ Van Stigt's *Geschiedenis van Pella, Iowa, en Omgeving*, Pt. I, pp. 73, 74. The account by Versteeg entitled *De Pelgrim Vaders van Het Westen: Eene Geschiedenis van de Worstelingen der Hollandesche Nederzettingen in Michigan, benevens eene Schets der Kolonie van Pella in Iowa*, pp. 11-16, is of a very general nature.

² Nollen's *De Afscheiding: Een Gedenkschrift*, pp. 40-45.

³ Wormser's *Een Schat in Aarden Vaten*; "*De Afscheiding*" in *Levensbeschrijvingen Geschetst*, First Series, Pt. II; "*Door Kwaad Gerucht en Goed Gerucht*", *Het Leven van Hendrik Peter Scholte*, pp. 189-301.

sail in four chartered vessels to Baltimore in April, 1847. His treatment, however, is of a popular nature and there is very little attempt made to survey all the accessible data. More scientific is the work of Jacob Van der Zee which, as its title would indicate, begins only with the arrival of the Hollanders in this country.⁴

The *Souvenir History of Pella, Iowa*, recently published at Pella to celebrate the seventy-fifth anniversary of the founding of the town, adds nothing that was not already known.⁵ Its most valuable feature, no doubt, is the series of pictures of the buildings constructed in the pioneer days, many of which were built under the influence of Dutch architectural ideas and have recently in large part been torn down. Since the earlier aspects of the story are of considerable importance for the pioneer history of Iowa, it seems desirable to trace these events in greater detail.

Such an account is made possible by the use of certain new sources, the most important of which perhaps are the four letters written by H. P. Scholte in 1846 to his friend, the noted statesman, Guillaume Groen Van Prinsterer. Wormser did not utilize them fully and they contain many valuable data.⁶ A second source is the very rare pamphlet, *Nieuwjaarsgeschenk*,⁷ published by Scholte at the close of 1846, in which he recounted at length the reasons for the projected scheme to transport Hollanders to the unimproved lands of the United States.⁸ Still scarcer is the pamphlet containing the rules and regulations of the

⁴ Van der Zee's *The Hollanders of Iowa*, pp. 38-46.

⁵ *A Souvenir History of Pella, Iowa* (Pella, 1922).

⁶ Preserved in the correspondence of Guillaume Groen Van Prinsterer in the Royal Archives in The Hague.

⁷ *New Year's Gift*.

⁸ Scholte's *Nieuwjaarsgeschenk aan Nederland, een Ernstig Woord aan Vorst en Volk*.

emigration society which had been formed in August of 1846. Adopted at Utrecht on Christmas day of the same year, these rules and regulations were immediately printed and distributed among the emigrants.⁹ A translation of this rare pamphlet has already been printed in this magazine.¹⁰ And, finally, a fuller use of the data preserved in Scholte's organ, *De Reformatie*,¹¹ for 1845 and 1846 has made it possible to see the whole movement in its proper relation with contemporary events of that day.¹²

By 1845 the unfavorable political, social, economic, educational, and religious situation in The Netherlands had come to such a pass as to cause considerable worry among the more influential leaders of the lower classes.¹³ In that year occurred the disastrous potato failure which brought want to many a household.¹⁴ It was a period of general restlessness arising from a variety of changing conceptions affecting profoundly the very foundations of human society. Henry Peter Scholte, pastor of the Utrecht congregation of Seceders, like Albertus C. Van Raalte and Anthony Brummelkamp at Arnhem, had an intimate knowl-

⁹ *Nederlandsche Vereeniging ter Verhuizing naar de Vereenigde Staten van Noord-Amerika.*

¹⁰ Lucas's *A Document Relating to Dutch Immigration to Iowa in 1846* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXI, pp. 457-465.

¹¹ *The Reformation.*

¹² *De Reformatie* (A periodical of the Christian Reformed Church), Third Series, Pts. I, II, III. The first series of eight volumes was published at Amsterdam in 1837 to 1840, and the second, also of eight volumes, from 1841 to 1845.

¹³ A fuller treatment of these matters is being prepared and will be published shortly.

¹⁴ For the failure of the potato crop during these years see *Aardappelmis-oogsten en hun Invloed op het Volksleven. I. De Aardappelziekte en het merkwaardige jaar 1847*, door Prof. Dr. R. H. Saltet; II. *Aardappeloogst en Aardappelziekten* door Prof. Dr. Johanna Westerdijk in *Vragen van den Dag*, Vol. XXXII, pp. 454-466.

edge of conditions among the people and a ready sympathy with the poor.¹⁵ It was only natural that such a person should concern himself with the advisability of emigration to America when the sentiment in favor of this project became more and more pronounced.

The first reference to the subject of emigration that can be found in Scholte's works occurs in *De Reformatie* for October, 1845, and was in response to the many requests for his views upon the growing agitation in favor of leading the poor to the United States. Scholte, however, had not yet made up his mind, but promised to express his opinions in a future issue.¹⁶ The November number contained an announcement concerning the matter. He was not at that moment certain that the movement was advisable and again postponed his decision which he promised to give in the next number. Nevertheless he gave a foretaste of his stand which was later to guide many Hollanders to Iowa.

Scholte stated that, under existing conditions, it was not at all surprising to find the attention of many people turning to America. Next came the sentiment which echoes again and again in his writings throughout the whole of the following year. He warned his readers that Christians might well test themselves thoroughly before deciding upon emigration. "If temporal advantage is the only or most important incentive then we can with certainty advise them against such a step." Before coming to a decision they should determine in their hearts whether they were acting at variance with the divine command "which is the same in

¹⁵ Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 642-671.

¹⁶ *De Reformatie*, Third Series, Pt. I, p. 240.

Wormser erroneously states that the first notice appeared either in January or February, 1846.—Wormser's *Een Schat in Aarden Vaten*, First Series, Pt. II, p. 189.

all lands and under all circumstances 'Humble yourselves therefore under the mighty hand of God, that He may exalt you in due time.' " It might indeed be possible that Christians would find a freer and more unhampered economic existence in America, but it was his opinion that, should they do this from motives of mere temporal gain and not in accordance with what he deemed was the proper sphere of Divine Providence in the lives of Christians, they might meet with misfortune rather than with advantage. Furthermore, it would be wholly contrary to Christian love if those who were possessed of some wealth should leave their destitute brothers and sisters in the mother country.¹⁷

This attitude so characteristic of the men who stood out as leaders of the emigration movement in The Netherlands in the fifth decade of the nineteenth century is an interesting blend of seventeenth and eighteenth century Calvinistic pietism with the revival of Reformed dogmatics. It is, in fact, a faint replica of the international Calvinism of the sixteenth century. In French speaking lands, where it was called the "Reveil", such figures as Merle d'Aubigné and Vinet were dominated by it. Even Sainte-Beuve fell under the spell of its ideas for a brief space. In Holland, where it was also called the "Reveil", important literary figures were seduced by the charm of reviving Calvinistic theological ideas. Among them were such personages as Bilderdijk, Da Costa, Cappodose, and Guillaume Groen Van Prinsterer. In the University at Leiden the ideas of Bilderdijk and Da Costa found flourishing growth among a number of students enrolled in the theological faculty. These were Albertus C. Van Raalte and Anthony Brummelkamp, who later directed the tide of Hollanders to Michigan, Van Velzen, Gezelle Van Meerburg, and H. P. Scholte, in whom we are at present primarily interested.

¹⁷ *Aankondiging in De Reformatie*, Third Series, Pt. I, p. 300.

This coterie of zealous characters became staunch defenders of the traditional faith of a large section of the humble folk in The Netherlands. They advocated with zeal and fervor the time-honored doctrines taught in the Heidelberg Confession, and urged a return to the purer standards of the Synod of Dordrecht. This led them directly into conflict with the organization of the Reformed Church which was very much under the influence of the conservative government and generally dominated by a rationalistic type of piety, the legacy of the Enlightenment in the previous century. Some of these friends were suspended by the ecclesiastical establishment and others could not obtain the required permission to serve as pastors of congregations.¹⁸ Accordingly, one by one, they definitely separated or were forcibly ejected from the church of their fathers and were henceforth generally known as the "Seceded" (afgescheidenen), a term often applied in an opprobrious sense.

The great social problems which were beginning to demand especial attention toward the middle of the nineteenth century also influenced these men profoundly. The new conceptions of economics, dominated by the principles of laissez faire, could not escape being challenged by the reviving vigor of Calvinistic dogmatics which envisaged a universe governed by a divine and moral law and hence sought to set limits to the unbridled individualism of the new order. To the men of the "Reveil" and of the "Secession", romantic and benevolent conceptions of duty toward fellow men compelled attention to the great problems of the lower classes. Hence the philanthropic endeavors of men like Heldring, Van Raalte, Brummelkamp,

¹⁸ For the relations of church and state in The Netherlands during this period, see Heineken's *De Staat en het Kerkbestuur der Nederlandsch-Hervormden sedert het Herstel onzer Onafhankelijkheid*.

and Scholte in furthering all manner of schemes — particularly emigration.

This Christian conception of the world received strong support among the common folk in the countryside.¹⁹ It is not strange then that the aspirational life of the immigrants should be largely dominated by these thoughts. Even to this day much of the religious life of Protestant Hollanders in Iowa, as elsewhere in the United States, can only be understood when it is thought of in connection with these greater currents of human thought. Probably the old pietism was the strongest factor among these immigrants — many an individual, many a father and mother sought the answer to the question whether they should emigrate in long and earnest prayer.²⁰

Scholte printed a fuller exposition of his views regarding the question of emigration in the January, 1846, number of *De Reformatie*.²¹ The problem of satisfying the aspirations to religious and educational freedom coupled with the pressing difficulty of providing life's temporal necessities made Scholte keenly alive to the social problems of his people.²² The fact that dissatisfaction with conditions in The Netherlands was constantly increasing and that many industrious Christians were beginning to leave the mother country made action imperative.²³ In this he doubtless saw the guidance of God's hand.

¹⁹ For pietism in The Netherlands see Goeters' *Die Vorbereitung des Pietismus in der Reformierten Kirche der Niederlande bis zur Labadischen Krisis, 1670*; *Handbuch der Kirchengeschichte für Studierende* herausgegeben von Gustav Krüger, Pt. IV, pp. 27-57.

For the "Reveil" see Wagenaar's *Het "Reveil" en de "Afscheiding"*.

²⁰ Van Stigt's *Geschiedenis van Pella, Iowa, en Omgeving*, Pt. I, p. 73.

²¹ *Een Woord over Landverhuizing* in *De Reformatie*, Third Series, Pt. II, pp. 88-97.

²² *Aankondiging* in *De Reformatie*, Third Series, Pt. I, p. 300.

²³ *Aankondiging* and *Een Woord over Landverhuizing* in *De Reformatie*, Third Series, Pt. I, p. 97, and Pt. II, p. 300.

On the continent of Europe the desire to emigrate to America was rapidly growing. The question with Scholte was "when was emigration justifiable" for Christians with whom worldly gain was not the prime motive, but who recognized as a principle in their lives the words of Matthew 6: 33, "But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you." He thought that in this connection it was not allowable to interpret the words of Matthew 10: 23, "But when they persecute you in this city, flee ye into another" too narrowly in the sense that a Christian must wait for a decision until material conditions had become so serious as to compel him to leave. He was also of the opinion that the "persecution" could be interpreted in a very wide sense, that is, when the legal obstructions were such as to make it impossible to worship God in accordance with His Word without violating the laws of the country. On the contrary, he thought that emigration in general was not contrary to the dictates of Scripture.²⁴

Were conditions in The Netherlands such that Christians would have a right to emigrate? Scholte at first maintained that they were not. True, indeed, it was that the government still persisted in treating religious meetings of more than twenty persons without special permission of the proper authorities as illegal and hence to be dispersed if discovered and the guilty parties haled into court.²⁵ But Scholte thought that this condition resulted rather from difficulties in applying the law than from the law itself. New churches were at that very moment begun without governmental sanction yet they were never inter-

²⁴ *Een Woord over Landverhuizing in De Reformatie*, Third Series, Pt. II, pp. 88, 89.

²⁵ This was in accordance with articles 291, 292, and 293 of the Napoleonic Penal Code.—See Wagenaar's *Het "Reveil" en de "Afscheiding"*, p. 299, where the articles in question are printed.

ferred with. As the law had not changed Scholte thought that he detected a change in the attitude of the officials. In this matter, he thought, much could also be expected from the king's well-known liberality of opinion.

The Seceders could, like all other subjects of the king, secure an improvement in the laws through legally constituted channels. At that very moment the government was actually considering a revision of the penal code. If all Christians would unite in demanding certain necessary changes, much could be accomplished.²⁶ A recent example to this effect could, indeed, be cited. In spite of the legal penalties to which Scholte had been repeatedly subjected,²⁷ he was fully convinced that the law itself was not wrong but that it was applied contrary to the constitution and he was certain that most jurists would support this opinion.²⁸

²⁶ *Een Woord over Landverhuizing in De Reformatie*, Third Series, Pt. II, pp. 90, 91.

²⁷ The history of Scholte's early career may be found in the following pamphlets: Scholte's *Merkwaardig Voorbeeld van hedendaagsche Verdraagzaamheid van het Nederlandsch Hervormd Kerkbestuur ten Opzichte der Gereformeerde Gemeente van Doveren, Genderen en Gansoijen aan derzelver Herder en Leeraar met eene Inleiding en Narede*, 's-Gravenhage 1834; *Stukken betrekkelijk de Afscheiding der Gereformeerde gemeente van Doveren, Genderen en Gansoijen van het Nederlandsch Hervormd Kerkbestuur*, 's-Gravenhage 1834; *Laatste Getuigenis tegen de Liefdelooze Handelingen van het zoogenaamd Hervormd Kerkbestuur, benevens eene Opwekking aan de Geloovigen tot Afzondering van eene Dank-, Vast-, en Bededag*. Te 's-Gravenhage 1835; *Vervolg der liefdelooze Handelingen van het zoogenaamd Hervormd Kerkbestuur ten Opzichte der Gereformeerde Gemeente van Doveren, Genderen en Gansoijen benevens derzelver Herder en Leeraar . . .*, Te 's-Gravenhage 1835; *Verdediging van Conscientie en Godsdienstvrijheid. Twee pleitredenen uitgesproken te Utrecht en Amsterdam. Met de daarbij behoorende vonnissen*, Te 's-Gravenhage 1836; *Pleitrede in de Zaak van Hendrik Petrus Scholte, . . . uitgesproken in de terechtzitting van het Hoog Geregthof te 's-Gravenhage, Kamer van correctionnele Appellen, van den 2 December, 1835, door Mr. Adriaan Willem van Appeltere*, In 's-Gravenhage en te Amsterdam, 1836. To these should be added numerous notices in the numbers of *De Reformatie*, First, Second, and Third Series, 19 vols., Utrecht, 1837-1846.

²⁸ *Een Woord over Landverhuizing in De Reformatie*, Third Series, Pt. II, p. 90.

Intimately bound up with the question of religious liberty was the matter of freedom in educational matters. "Christians have a divine calling to bring up their children in the encouragement to fear and worship God, and since this is the principle of education instruction must needs be in harmony with it."²⁹ Freedom to realize this, Scholte maintained, did exist, because the laws permitted the establishment of certain schools which the founders were allowed to control.³⁰ It was true, however, that the opening of free schools, that is, schools free from state control, was hindered and opposed in many ways, and that this oppression was constantly becoming more and more serious. Several ineffectual attempts on the part of some Christians to start such schools could be cited as proof.

The opponents of instruction free from state control had uniformly used as protest the fear of ultramontaniam. Scholte held that this was in itself not a valid argument as all creeds were on an equal basis before the law. Catholics were demanding the same rights that were accorded to civil societies and the ultramontane press was demanding freedom of instruction, which, he thought, would ultimately have to be accorded to them. Protestants, he thought, should support the demand of the Catholics freely just as they would like to see the same liberties accorded to themselves. In this respect also important changes could be effected if Christians would only act in unison.

To establish such schools, however, demanded many sacrifices and even hardships. Many of those who supported the idea, Scholte claimed, did nothing more constructive than complain fruitlessly of the unfortunate religious con-

²⁹ See Scholte's *Vrijheid van Onderwijs* in *De Reformatie*, Third Series, Pt. II, pp. 113, 114.

³⁰ *Een Woord over Landverhuizing* in *De Reformatie*, Third Series, Pt. II, pp. 91, 92; *Vrijheid van Onderwijs* in *De Reformatie*, Third Series, Pt. II, p. 114.

ditions in the public schools. "The matter of Christian education in the schools is not yet a thing which weighs heavily upon the hearts of Christians." Indeed, their lukewarmness was chiefly responsible for this situation and as long as they persisted in their ineffective and factious criticism the government could scarcely be expected to grant freely what was theoretically accorded them by the constitution but never granted as a matter of fact. Means to secure full religious and educational freedom had, however, not yet been exhausted. And, furthermore, how could Christians ever hope to evade such difficulties as would naturally be incurred in founding Christian schools by emigrating to America? As long as this situation obtained, Scholte felt that they had no real justification for leaving the mother country.³¹

Material conditions, however, influenced the question of emigration. Scholte thought that every economic activity which was necessary to support human life and society came within the province of the Christian religion. Viewed in the abstract most occupations are permissible for a Christian and had been so ordained of God. To be employed in any one of them is of great advantage to the spiritual life: idleness on the contrary is harmful to spiritual growth of the children of God. The command "six days shalt thou labor and do all thy work" is exactly as valid as "remember the Sabbath".³² When a Christian found that he could not follow his calling or practice his trade without violating the dictates of the Scriptures emigration would be allowable. And conditions in The Netherlands were indeed such that a Christian could not easily earn his daily bread without hurting his conscience. Ac-

³¹ *Een Woord over Landverhuizing* in *De Reformatie*, Third Series, Pt. II, pp. 92, 93.

³² *Christelijke Werkzaamheid* in *De Reformatie*, Third Series, Pt. II, p. 99.

according to Scholte³³ the laws were responsible for this situation: they allowed the employer to underpay his help, a practice wholly contrary to James 5: 4. If a Christian found it impossible to provide the material necessities of life because of such conditions, if he appealed to the government, pointing out possible improvement but obtained no relief, he would then be justified in emigrating to a foreign land where he might satisfy his temporal needs even if the land of his nativity gave him full freedom in religion and Christian education. In such cases, however, the compelling reason for emigration must always be the seeking of God's kingdom and His righteousness.

Scholte maintained that the "condition of the mother country did not make such an emigration unavoidable, but he admitted at the same time that if no changes should take place existing conditions might become so serious that a Christian would find it impossible to make a living without wounding his conscience." To obviate this possibility coöperation of all classes would be needed; the Christian would have to study labor, agriculture, manufacturing, and economics. Well-to-do and capable Christians could provide opportunities for work and confer with the government concerning sections where Christian colonization might be tried, doubtless along the lines of philanthropic endeavor such as Willemsoord. If, however, this should be neglected no salvation could be expected in this matter and the desire to emigrate would induce more and more to leave the country.³⁴

³³ *Een Woord over Landverhuizing in De Reformatie*, Third Series, Pt. II, p. 94.

Scholte thought that the Pilgrims furnished a remarkable case in point.—See *Christelijke Werkzaamheid in De Reformatie*, Third Series, Pt. II, pp. 104, 105.

³⁴ *Een Woord over Landverhuizing in De Reformatie*, Third Series, Pt. II, pp. 95, 96, 97.

Scholte thought that the vast stretches of heath in the country could very well be utilized for the benefit of the poor.³⁵ Brummelkamp and Van Raalte, however, saw too many practical objections to this project. "The heath does not in the first place belong to us, and even if we had the requisite capital to secure title to it, we would not have enough to start a costly colony on such land. Whoever is acquainted with the heath and its soil knows that a poor man cannot begin to think of such a proposition and that a family commanding as much as 500 guilders, in the country generally regarded of some means, cannot at all hope to bring heath into a state of cultivation (we estimate that each household will need on the average about 500 guilders in order to settle in North America and secure a considerable amount of good land). Furthermore, the fact that the ground will always be merely reclaimed heath and that the households which the colony (as *e. g.* at Willemsoord) settles upon such land must pay as much as 1700 guilders and cannot even then support themselves without help from other sources proves our contention that such a solution is impossible."³⁶ Under these circumstances it was only natural that emigration rather than reclamation projects would appeal to the destitute. In fact Scholte did not mention the matter again.

Meanwhile the zeal for emigration grew apace. Brummelkamp and Van Raalte were busy perfecting the organization of the society which they hoped would aid many needy persons over the sea to America. They were also seriously concerned with the problems of the poor whose condition had been particularly aggravated by the failure of the potato crop in 1845. Emigration had actually begun

³⁵ *Christelijke Werkzaamheid in De Reformatie*, Third Series, Pt. II, p. 102.

³⁶ Brummelkamp and Van Raalte's *Landverhuizing of waarom bevorderen wij de volksverhuizing en wel naar Noord-Amerika en niet naar Java?*, pp. 25, 26.

some time before this in that part of Gelderland bordering upon Germany. On April 15, 1846, those who were interested in North America met at the home of Reverend Brummelkamp in Arnhem and the constitution which had been prepared was unanimously accepted.³⁷ The agitation in favor of emigration had become quite general at this time, mainly, it appears, in the circles of the Seceders. The places where this movement was strong were Winterswijk, Varsevelde, Arnhem, Velp, Oosterleek, Zwolle, Hattem, Nieuw Leusden, Genemuiden, Zutphen,³⁸ Tubbergen,³⁹ Noordeloos, Leerdam, Utrecht, and the province of Friesland.⁴⁰

The Seceders in the county of Bentheim in Hanover were laboring under the same difficulties and many of them finally decided to follow Van Raalte.⁴¹ In fact the movement was quite common in The Netherlands as may be inferred from the fact that nearly all the provinces with a strong Protestant population were represented in Van Raalte's settlement in Michigan. Even the Catholics of Noord Brabant were planning to go to America,⁴² though,

³⁷ See Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 648, 649, 656, 657.

The clauses of the constitution were translated and printed in Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 669-674. For the text see *Levensbeschrijving van wijlen Prof. A. Brummelkamp, Hoogleraar aan de Theologische School te Kampen door zijn jongsten zoon A. Brummelkamp*, pp. 205-209.

³⁸ Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 649-655.

³⁹ Scholte's *Nieuwjaarsgeschenk aan Nederland, een Ernstig Woord aan Vorst en Volk*, p. 10.

⁴⁰ Letter from Scholte to Van Prinsterer, dated October 29, 1846.

⁴¹ Beuker's *Tubantiana. Iets over de Regeering in Staat en Kerk van het Graafschap Bentheim, van af de Hervorming tot op onzen Tijd*, pp. 61, 62.

⁴² See articles on *Hollanders in the United States* in the *Catholic Encyclopedia*, Vol. VII, p. 394; Theodore J. Van den Broek in the *Catholic Encyclopedia*, Vol. XV, p. 269; Van den Broek's *Reizen naar Noord-Amerika*.

of course, for somewhat different reasons. Under these circumstances Scholte could not be expected to persist in an attitude of suspended judgment. In January and February, 1846, the actual cases of emigration were comparatively few⁴³ but during the next three months the agitation assumed such proportions that he was finally led to come out wholeheartedly in support of the movement, especially, it seems, when the more wealthy members of his flock began to interest themselves in the matter.⁴⁴

Scholte at first pondered over the proposal of directing the emigrants to some Dutch possessions beyond the seas, as for example, Surinam or some of the islands in the East Indies.⁴⁵ This idea was first advanced by religious and philanthropic leaders of the type of Rev. O. G. Heldring.⁴⁶ A considerable number of these appear to have insisted upon this course from patriotic motives. The April number of *De Reformatie* contained an article from Scholte's pen entitled *Kerk en Staat* in which the matter was examined at some length.

That it would be possible to direct the migration to possessions of the Dutch government in the tropics was beyond question. In many respects Borneo was suitable enough for them. Moreover, Holland settlers in that island would tend to strengthen Dutch control now that the English were reported as beginning to secure a foothold there. If English missionaries could live in this corner of the earth, so also could the Dutch. But the fatal objection to the East Indies, in Scholte's estimation, lay in the fact that the

⁴³ Scholte's *Een Woord over Landverhuizing* in *De Reformatie*, Third Series, Pt. II, pp. 96, 97.

⁴⁴ Letter from Scholte to Van Prinsterer dated May 15, 1846.

⁴⁵ Scholte's *Beantwoordt dit Tijdschrift tegenwoordig nog aan deszelfs Opschrift?* in *De Reformatie*, Third Series, Pt. II, p. 328.

⁴⁶ Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 649, 650.

Dutch government ruled in the same fashion there as at home.

Recently the titular Roman Catholic bishop had expelled the priest of the parish at Samarang. This had caused considerable commotion and the governor general demanded an explanation which the bishop naturally enough refused. The recalcitrant churchman was thereupon promptly expelled. While a staunch opponent of Catholicism, Scholte nevertheless was logical enough when protesting against the control of ecclesiastical affairs by the state to champion freedom for all, whether the parties involved were of his own or of the Catholic fold.⁴⁷ A second instance of a similar nature occurred at about the same time and of course confirmed his views.⁴⁸ Plainly the emigrants who wanted to go to the Dutch possessions for religious freedom would fare no better in the colonies than in the mother country.

Scholte did not, however, hastily reject the East Indies. In the May issue of *De Reformatie* there appeared an article entitled *Opmerking in Betrekking tot de Landverhuizing naar Noord-Amerika*.⁴⁹ This dealt mainly with East Indian colonization and appears to have been the result of Heldring's influence. Scholte had already come to a definite decision to go to America,⁵⁰ but he nevertheless attended a meeting of many of the ministers and leaders of the Seceders and a number of scholars, business men, and statesmen at Amsterdam. On this occasion Van Raalte and Brummelkamp⁵¹ were eager to have the opinion

⁴⁷ *Kerk en Staat in De Reformatie*, Third Series, Pt. II, pp. 199-213.

⁴⁸ Scholte's *Vervolging van de Drukpers in De Reformatie*, Third Series, Pt. II, p. 231.

⁴⁹ Wormser's *Een Schat in Aarden Vaten*, Pt. II, p. 190.

⁵⁰ *Otto G. Heldring, Leven en Arbeid*, p. 131.

⁵¹ Brummelkamp and Van Raalte's *Landverhuizing of Waagrom bevorderen wij de volksverhuizing en wel naar Noord-Amerika en niet naar Java?*, p. 25.

of these people concerning the question of emigration to America. Heldring now suggested as a possible choice either Ceram or Obi whose western sections formed high plateaus suitable for the settlement of Hollanders. This suggestion appealed to Scholte's love for The Netherlands and the House of Orange and he and Heldring were delegated to interview the minister of colonies to secure permission to settle somewhere in the Dutch colonial possessions.⁵²

The conference was a failure: the government was not at all inclined to encourage colonization in its colonial possessions. And it had indeed excellent reasons for refusing. In the previous year three hundred and eighty-four peasants had gone with their families from the provinces of Holland and Gelderland to Surinam under the supervision and at the expense of the state. They had begun a colony on the banks of the Saramacca River where the remains of an earlier plantation were located. From its very inception, it seems, this colony was a failure. Eight years later not more than fifty-four of the colonists were left: a hundred and sixty-nine had departed in discontent, and the rest had succumbed to the rigors of a tropical climate.⁵³ This unfortunate episode for many years prejudiced Hollanders and kept them from migrating to the Indies.⁵⁴ Since it was uncertain whether this colony would prosper and become independent of state support, the government

⁵² Otto G. Heldring, *Leven en Arbeid*, p. 131.

⁵³ Van Der Gon Netscher's *Emigratie uit Nederland: Kolonisatie met nederlanders in Oost- en West-Indie* in *Bijdragen tot de Taal- Land- en Volkenkunde van Nederlandsch-Indie*, Third Series, Pt. VIII, pp. 21-23; Amerinus Senior's *Emigratie van Nederlanders naar onze overzeesche Bezittingen meer bepaald naar Suriname*, p. 35, and especially Pijttersen's *Europeesche Kolonisatie in Suriname: Een Geschiedkundige Schets*, pp. 43-126.

⁵⁴ See *De Vestiging van Nederlanders te Suriname aanbevolen door den Generaal-Majoor R. F. Baron Van Roders*, p. 35.

was justified, it seems, in not meeting Scholte's and Heldring's schemes with alacrity. Until the Dutch government was convinced that Hollanders could make a living at manual labor in equatorial regions it determined to suspend all further action. Whenever there should be evidence that the experiment would succeed the government declared its willingness to consider the proposal of sending emigrants to the East Indies. As proof of its sincerity the minister stated that an investigation of the case in Surinam had already been ordered.⁵⁵ Under these circumstances the advances of Scholte and his friends were bound to meet with failure.

With Scholte the problem of relieving the poor was so pressing and the opposition of the government which he had experienced on so many occasions was so great that, rightly or wrongly, he placed little faith in the minister's assertions. The conferences which followed lasted several months. Java — especially favored by Heldring⁵⁶ — was at once ruled out of consideration because of its very large population which would be in danger of being displaced by the immigrants although the minister admitted that there was much unoccupied land in certain parts of the island. Scholte thought that this and similar objections were childish and that the government was afraid of the possible evil influence of the immigrants upon the natives. The minister advanced fewer objections to Borneo,⁵⁷ apparently because of the growing influence of the English on that

⁵⁵ See the letter from the Minister of Colonies to Scholte, dated The Hague, July 4, 1846, and printed in the latter's article, *Iets over Kolonisatie in de Nederlandsche Oost- of West-Indische Bezittingen* in *De Reformatie*, Third Series, Pt. III, pp. 175, 176; and also references to it in Scholte's *Beantwoordt dit Tijdschrift tegenwoordig nog aan deszelfs Opschrift?*, in *De Reformatie*, Third Series, Pt. II, pp. 328, 329, 330.

⁵⁶ Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 649, 650, 651.

⁵⁷ Letter from Scholte to Van Prinsterer, dated May 15, 1846.

island. Ceram, inhabited by the fierce Alfurs who aimed to keep strangers out of their lands by beheading them, and Obi, which had but a scant population, were likewise discussed, but with no great favor.⁵⁸ The minister, however, promised that he would correspond with the governor general concerning the advisability of sending emigrants to these islands, but made it clear that while the government might possibly advance the initial expense of transportation and settlement, as well as protection and administration, the colonists would be expected to reimburse the state and support themselves thereafter without any further financial assistance.

It would seem, indeed, that the government could hardly do more than this when one bears in mind the unfortunate situation in Surinam. Convinced of the personal liberality and benevolence of the king Scholte addressed a letter directly to him on May 9, 1846, which was answered by the minister of colonies on July 4, 1846,⁵⁹ in a letter which repeated in substance the statement that the government had made in previous interviews. Scholte was disappointed. There appeared to be no relief from the pressing poverty which was quite general in the country and especially acute in Gelderland. Even the plainest necessities of life were hard to secure.⁶⁰

When the attitude of the government had been fully ascertained Scholte said to Heldring "now it is decided, we shall leave our mother-country and migrate to America."⁶¹ Van Raalte now also definitely rejected the East

⁵⁸ Letters from Scholte to Van Prinsterer; Brummelkamp and Van Raalte's *Landverhuizing*, p. 22.

⁵⁹ Scholte's *Iets over Kolonisatie in de Nederlandsche Oost- en West-Indische Bezittingen* in *De Reformatie*, Third Series, Pt. III, pp. 175, 176.

⁶⁰ Letter from Scholte to Van Prinsterer, dated May 15, 1846.

⁶¹ *Otto G. Heldring, Leven en Arbeid*, p. 131. This conveys the impression that the minister gave an abrupt refusal.

Indies and soon published a pamphlet in justification of their views.⁶² This idea more than ever became a popular topic of conversation among the Seceders; many determined to go and even those who were possessed of some wealth decided to tempt the fortune of the New World. Scholte now reverted to the views he had entertained prior to the meeting at Amsterdam. To Van Prinsterer he had written as early as May 15, 1846, "after an honest investigation of the condition of our Fatherland I can no longer oppose the desire to emigrate." The refusal of the government to grant toleration in religious matters and freedom in education and the unfortunate economic and social conditions made it impossible to resist the movement.

As compared with the situation in The Netherlands the United States afforded a striking contrast, with the sparsity of its population, the vast stretches of unoccupied lands, and complete toleration in both religious and educational matters.⁶³ Even if the government could coöperate in sending the poor to the East Indies what benefit would the change give them? They would still be exposed to the obnoxious interference of a government which controlled both ecclesiastical and educational activities.⁶⁴ Some had suggested emigrating to South Africa which was largely inhabited by the Dutch speaking Boers,⁶⁵ but Scholte pointed out that recent events at the Cape of Good Hope were such as to discourage the prospect of settlement in

⁶² Brummelkamp and Van Raalte's *Landverhuizing of Waarom bevorderen wij de volksverhuizing en wel naar Noord-Amerika en niet naar Java?*

⁶³ Letter from Scholte to Van Prinsterer, dated May 15, 1846.

⁶⁴ Scholte's *Iets over Kolonisatie in de Nederlandsche Oost- en West-Indische Bezittingen* in *De Reformatie*, Third Series, Pt. III, pp. 177, 178; Scholte's *Beantwoordt dit Tijdschrift Tegen woordig nog aan deszelfs Opschrift?* in *De Reformatie*, Third Series, Pt. II, pp. 328, 329, 330.

⁶⁵ Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, p. 657.

that region by Hollanders who did not want to make warfare the chief concern of their lives. Under these circumstances nothing remained but to migrate to the United States.⁶⁶

Plans to give the emigrating Hollanders intelligent direction were at once considered. As early as May 15, 1846, the rules which were officially adopted on December 25th were suggested. Scholte wrote to Van Prinsterer that "in North America land is lying idle, there is complete freedom of religion and education, indeed if the number of emigrants is at all considerable and if they stay together and buy some considerable stretch of land, even the control of the local government will remain in the hands of the colonists."⁶⁷ In the May issue of *De Reformatie* Scholte printed *Aanmerkingen in betrekking tot de Landverhuizing naar Noord-Amerika*. In this he stated that some Christians were busy collecting information about the United States which would enable settlers to select fertile lands. A small number of persons had left in April to make investigations and reports in the interest of those who might wish to follow.

Pending the definite formation of a larger association prospective emigrants were advised to write to the management of *De Reformatie*, to Scholte, or to the Arnhem pastors, Brummelkamp and Van Raalte. In this way they could secure advice and all would be able to coöperate in founding a "free Dutch colony" in one of the fertile sections of the United States. Scholte further requested that exact information be given concerning the size of the family, age and occupation of each member, whether they wanted to pay all their expenses, whether they would be

⁶⁶ Scholte's *Beantwoordt dit Tijdschrift Tegenwoordig nog aan deszelfs Opschrift?* in *De Reformatie*, Third Series, Pt. II, p. 300, Pt. III, p. 18.

⁶⁷ Letter from Scholte to Van Prinsterer, dated May 15, 1846.

willing to contribute funds to transport farmers and laborers to the new colony, the exact amount of capital which each party could place at the disposal of the association for the purchase of land, and, finally, how much each could donate.⁶⁸ The idea of assisting the emigrants, ignorant alike of the English language and American methods, was uppermost in the minds of leaders like Scholte. In fact he was following exactly the same procedure which the Arnhem pastors had adopted.⁶⁹

The first published plan of the proposed association is found in the June, 1846, number of *De Reformatie*. Scholte had received a number of letters from people in various provinces who were anxious to emigrate. Some had sufficient wealth to pay their own transportation, buy lands and start farming; others had only enough to carry them beyond the seas, but all wished to move as soon as possible. A very large number had no means whatever and would have to be transported entirely at the expense of others. One gift of a hundred florins had already been made for advancement of the cause. Accordingly Scholte announced that a colonization movement of small proportions would be launched at once, but that only a few of the needy could expect to receive help. It is interesting to note that the majority of the totally destitute were not Seceders. Scholte announced that the members of the Seceding churches would be the first to receive aid, but should there be funds available, other Christians would not be abandoned.⁷⁰

Scholte next made the following announcement in *De Reformatie*, which was intended to serve as a reply to the

⁶⁸ See Wormser's *Een Schat in Aarden Vaten*, First Series, Pt. II, p. 191.

⁶⁹ See Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, p. 671.

⁷⁰ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. II, pp. 355, 356.

numerous letters that he had received. (1) It was certain that an attempt would be made at colonization. (2) Emigrants were to make contracts with the families of their destitute friends and neighbors by which the latter would be bound to work for a period of years at such reasonable wages as generally obtained in the United States. For the duration of the contract they were to receive only enough for their support, the remainder to be paid at the expiration of the contract after the cost of transportation had been deducted. Such parties would then be in a position to buy suitable land. (3) Only such as were known to lead a Christian life were to be allowed to share in the enterprise. (4) The "Word of God" was to serve as sole rule, principle, foundation, and guide of life and all ecclesiastical forms which God had not commanded were to be shunned. (5) Scholte could announce that, judging from present indications, there would be enough talent among the emigrants to provide for the religious, educational, and medical needs of the colony. (6) Lands were to be chosen in a section where all the plants common in The Netherlands could be grown, such as the various grains, flax, and hemp. Cattle would also be raised, and a certain amount of manufacturing would be encouraged. The colony was to be founded at a location favorable for commerce, and on a navigable river. (7) Christians who had money with which they wished to purchase lands, but who found it impossible to leave at once, would nevertheless be allowed to make their claims with a view to later emigration. (8) Christians who possessed wealth but did not propose to emigrate at all, were to be allowed to make contributions to aid their destitute brethren in the effort to reach America. They could also provide capital which, Scholte maintained, was certain to draw interest and prove a valuable investment as the value of land in the United States was ever

steadily rising. (9) Parties were urged to provide themselves with all necessary clothing and implements in The Netherlands. One hundred florins were sufficient to cover each person's needs in this particular. (10) Land in the United States could be bought in sections of six hundred and forty acres. An eighth of such a block was amply sufficient to provide a living for a large family without much self-denial and at the same time furnish enough to help support religion, education, missions, and the spread of the Gospel. Scholte also stated that it was incredible how easily and in how short a space of time one could, with moderate application, become prosperous in the United States. Even writers like Charles Dickens who found much to provoke unfavorable comment, gave abundant evidence of this fact. And, finally, he urged all Christians to take an interest in the plight of the destitute and to be present at a meeting held at Utrecht in August for the purpose of formulating the rules of the proposed association.⁷¹

Scholte's announcement that America was the only possible choice was greeted with a hearty response. By July the number of people who had signified their intention to emigrate had greatly increased. Many of them were naive enough to think that charity alone would help them across the ocean. Already there were reports of the activities of a species of sharpers who sought to exploit the plight of the poor emigrants by providing shipping companies with passengers for some financial consideration. Scholte expressly disclaimed any connection with such practices on the part of himself or the movement he was sponsoring. His own responsibility and that of Van Raalte and Brummelkamp was limited to statements in *De Reformatie*.⁷²

⁷¹ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. II, pp. 356-359.

⁷² Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 62.

The instructions in the July issue of this organ covered the following points. (1) All letters with postage not pre-paid would be refused. (2) People living at a distance from Utrecht were advised to write rather than to come in person. Statement of plans and progress could as well be made in writing as in personal conference, and the possibility of a useless trip thereby obviated. (3) The departure would not be possible before the following spring, so that each could plan his affairs for the winter as usual. (4) The attention of those emigrants who were investigating locations in America was focused upon Iowa, Illinois, Indiana, Ohio, and Wisconsin. Texas also was deemed worthy of consideration but Scholte was of the opinion that the existence of slavery in that State was a serious objection.⁷³ In other respects the State was so favored with fertile land and accessibility to the sea through its numerous rivers that colonization in that region might be advantageous, he thought. (5) Toward the close of the year a committee would be dispatched to America to investigate the country and the claims of each section. Their report was to serve as the basis for a definite choice. (6) Such persons as were willing to coöperate were urged to declare their intention as early as possible so as to be informed of the place and date of the meeting which it was proposed should be held towards the close of August. (7) It was preferable to emigrate in a company rather than individ-

⁷³ The attention of German emigrants had been called to Texas. Glowing reports of that State had been circulated in Germany, and a colony had actually been founded on the Guadaloupe River which received the name of New Braunfels.—See Ottomar von Behr's *Goede Raad voor Landverhuizers naar de Vereenigde Staaten van Noord-Amerika ook met Betrekking tot Texas Hoofdzakelijk voor Landbouwers en Handwerklieden, naar eigen Ervaring geschreven*, pp. 87–107. This pamphlet, written apparently in 1847 and reprinted in 1849 with an introduction by O. G. Heldring, is perhaps typical of the representations made. For a full account of this colony see Faust's *The German Element in the United States with Special Reference to Its Political, Moral, Social, and Educational Influence*, Vol. I, pp. 490–501.

ually. Many Germans had learned this from bitter experience. Hollanders were enjoying a good reputation in America, and when a well-ordered colony of Netherlandish Christians was founded in America, they would be favored above the Germans and the Irish. Haste in departure would be fatal. (8) Scholte, finally, had a bit of "weighty counsel" to give: all those who proposed to emigrate were admonished to be "united in humble prayer to the Lord," and he again referred to Matthew 6: 33. Divine guidance was necessary, he said, and only by seeking God's will in this matter could they be successful in an undertaking in which not only their own welfare, but also that of their children and grandchildren was vitally bound up.⁷⁴

In accordance with Scholte's suggestion a meeting was held at Utrecht during August. Representatives from various provinces were present in order to report the situation and to help their friends reach a decision as to whether or not they should emigrate.⁷⁵ Seventy families of some means, mainly from the province of South Holland, determined to go. A number of laborers also announced that they intended to go, but while they could pay their own expenses, they were not in a position to purchase land.

The Association was of the opinion that the newer States in the Mississippi Valley offered the best prospects for immigrants. Iowa now appeared to be the general choice, but inasmuch as there was little positive information concerning that region definite decision was reserved until further investigation could be made. The members were of the opinion that the section to be chosen for the settlement

⁷⁴ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 62-64.

⁷⁵ According to Cyrenus Cole the "first meeting of the colonists" was held at Leerdam, in July, 1846, but he gives no indication of the source of this statement.—Cole's *A Bit of Holland in America* in *The Midland Monthly*, Vol. III, p. 117.

should offer security — apparently from attacks by Indians, although this is not definitely stated — healthful climate, opportunity for practicing the various branches of agriculture, and, finally, accessibility to markets. Texas, it appears, had lost favor. In spite of its several advantages, its backwardness, the untamed Indian population, the political situation, and the proximity to revolutionary Mexico led the Hollanders to abandon it. “As it was not a chief concern with them to gather up treasure, but rather to labor in quiet, to lead a peaceful life and serve God, the Lord, in peace, the general opinion was not in favor of Texas.”⁷⁶

In selecting a location for the proposed colony the Association agreed to use the report of the Hollanders who intended to go to the United States in the immediate future. As only a limited number of matters could be decided at this preliminary meeting another was to be convened on September 4, 1846, at Utrecht. Scholte announced that “no one who was known to be a servant of the world” would be tolerated as a member. Furthermore the members were not to be bound so far as their religious life was concerned by any form of church organization instituted by man, but solely by the revealed Word of God. For this reason Scholte thought that they would agree more fully with the policy of the Congregationalists than with that of any other body.

To his sorrow few of the well-to-do came forward to aid the poor in their distress. Hence only those who shared the religious opinions of his followers could hope to receive any aid. He accordingly advised all the needy to make their plight known fully to the government whose duty it was to give aid in such circumstances and he announced

⁷⁶ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 119, 120.

his intention of sending a large number of the letters which he had received from those who were denied the privilege of receiving help from the Association to the government, with the request that some aid be given to these unfortunates. From the proceedings of this meeting it is apparent that Scholte easily dominated the movement. The membership of the Association was composed mainly of his followers who were quite generally designated as "Scholtianen" throughout the country. This fact also explains the remarkable uniformity of religious conviction among the Dutch settlers of Pella. In fact the religious life of the present generation of Hollanders in Iowa still owes many of its characteristic features to these events even though many of Scholte's peculiar tenets have been abandoned.⁷⁷

During the summer and fall, conditions in The Netherlands did not improve and Scholte accordingly never questioned the wisdom of emigrating. The economic situation was as unfortunate as ever and he regarded the future with uneasiness.⁷⁸ Governmental interference with the religious services of the Seceders continued. A striking case was that of Rev. Peter Zonne and Mrs. Johanna Judith Zeelt, both of Baambrugge.⁷⁹ Because the former had held a meeting of more than twenty people, and the

⁷⁷ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 121, 122.

Scholte had adopted the principle of Independentism in church organization because of his conflict with the synodical organization of the Netherlands Reformed Church. The July number of *De Reformatie* contained an article dealing with the Evangelical churches in the United States in which the Congregationalists were discussed.—See Scholte's *Evangelische Kerken in Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 34–54.

⁷⁸ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 122, 123.

Only about seventy florins had been given thus far.

⁷⁹ Letter from Scholte to Van Prinsterer dated May 15, 1846; Scholte's *Vervolg van Godsdiensdoefening* in *De Reformatie*, Third Series, Pt. II, p. 342.

latter had allowed her house to be used for that purpose, they had been called to account in May, 1846. They persisted, however, in their practices and in June were again summoned to court. Scholte wrote, "it was the anniversary of the victory at Waterloo. Meditating over the persecution, founded upon the law of the tyrant overthrown at Waterloo, we entered the chamber of justice. On the preceding day there had been a pageant in the streets of Utrecht representing the entry of Philip II who had in his following Alva of evil fame."⁸⁰ On July 8th Zonne was finally found guilty of organizing an "association" of more than twenty persons and the widow Zeelt was found guilty of the crime of lending her home to this purpose. Each was fined a hundred florins with costs amounting to eight florins and fifty-three cents. Failure to pay the fine meant imprisonment.⁸¹ Religious meetings of this sort were still treated as misdemeanors in Zeeland.⁸²

Toward the king as sovereign head of the state, Scholte entertained no bitterness. Of his personal benevolence he had already made mention early in the year.⁸³ This conviction was founded upon actual experience based upon the manner in which he had responded to Scholte's pleas when the latter had been named one of a committee named by the communes of the southern provinces to do homage to the king. On that occasion he broached the matter of freedom in religion and education, was granted an audience, and

⁸⁰ Scholte's *Vervolging van Godsdiensstoefening in De Reformatie*, Third Series, Pt. II, p. 342.

⁸¹ Scholte's *Vervolging van Godsdiensstoefening in De Reformatie*, Third Series, Pt. III, pp. 55-61. For the further history of this case see *De Reformatie*, Third Series, Pt. III, pp. 111-118.

⁸² Scholte's *Vervolging van Godsdiensstoefening in De Reformatie*, Third Series, Pt. III, p. 55.

⁸³ Scholte's *Een Woord over de Landverhuizing in De Reformatie*, Third Series, Pt. II, p. 91.

left with a conviction that the king meant well.⁸⁴ On March 23, 1841, Scholte had again appealed to him concerning the trial which he had to face at Dordrecht on March 31st for holding unauthorized meetings of more than twenty persons. The response to this appeal was, in Scholte's estimation, favorable enough. The king replied that he had recently instigated an investigation of such cases in general, and, although the request for staying the trial could not at that moment be granted, nevertheless in case of conviction he would be willing to consider favorably his exculpation.⁸⁵ In 1845 Scholte had occasion to study the history of The Netherlands and desired a copy of G. Groen Van Prinsterer's *Archives ou Correspondance de la Maison d'Orange*. He appealed to the king, thinking that he would, of course, have copies for distribution. Although none of these books were available for general distribution, the king presented Scholte with a set.⁸⁶ These facts, in his opinion, were positive proof of his sovereign's good intentions.

During the summer of 1846, however, Scholte became convinced that there was a deliberate attempt to isolate the king from the public by removing those who dared to tell him the truth. He had, it appears, regularly sent a copy of every issue of *De Reformatie* to the king. The March number contained an article dealing with contemporary revolutionary tendencies.⁸⁷ In it Scholte discussed one of the chief causes of discontent — state control of religious activities — but in every way spoke respectfully of the government. A request for an audience with the king was

⁸⁴ Scholte's *Nieuwjaarsgeschenk aan Nederland*, pp. 53, 54.

⁸⁵ Scholte's *Nieuwjaarsgeschenk aan Nederland*, pp. 54, 55.

⁸⁶ Scholte's *Nieuwjaarsgeschenk aan Nederland*, pp. 55, 56.

The copy is still in the possession of the Scholte family at Pella, Iowa.

⁸⁷ *Een Woord over de toenemende revolutionaire Bewegingen in den tegenwoordigen Tijd* in *De Reformatie*, Third Series, Pt. II, pp. 148-156.

refused with the statement that a written communication was preferable. Scholte ascribed this refusal to the influence of the people who surrounded the king.⁸⁸

The April number of *De Reformatie* contained Scholte's observations upon the banishment of Bishop Grooff from the East Indies and the government's attitude toward the press.⁸⁹ A copy of this was also sent to the king whose response of May 18, 1846, revealed dissatisfaction in the curt observation that *De Reformatie*, which had as sub-title *Tijdschrift ter Bevordering van God's Koninkrijk in Nederland*, was beginning to occupy itself to such an extent with questions of a political nature that it was questionable whether this title was wholly justified. Furthermore a sharp reprimand was administered in the statement that the king could not "approve the tendency of the editor to enter a field in which it could not be said he was well at home and that he was consequently in great danger of being easily misled."⁹⁰

In Scholte's estimation the matter of emigration was so important that on June 15th he again sent a request to the king for an audience, enclosing a copy of *De Reformatie* for May. The king's answer on the 20th requested a written statement of what was desired.⁹¹ In the June number Scholte again discussed the necessity of emigration⁹² and a copy of this issue was also sent to the king accompanied by a letter dated July 2, 1846, setting forth fully why a

⁸⁸ Scholte's *Nieuwjaarsgeschenk aan Nederland*, p. 56.

⁸⁹ Scholte's *Kerk en Staat, Utdrijving van den Roomschen Bisschop en vier Pristers uit Nederlandsch Indie* in *De Reformatie*, Third Series, Pt. II, pp. 199-213.

⁹⁰ Scholte's *Nieuwjaarsgeschenk aan Nederland*, p. 57.

⁹¹ Scholte's *Nieuwjaarsgeschenk aan Nederland*, p. 58; Wormser's *Een Schat in Aarden Vaten*, First Series, Pt. II, pp. 190, 191.

⁹² *Beantwoordt dit Tijdschrift Tegenwoordig nog aan deszelfs Opschrift?* in *De Reformatie*, Third Series, Pt. II, pp. 319-331.

personal interview had been preferred. Scholte stated that he had requested an audience merely in the interests of the country's welfare and that he had wished to speak personally and intimately concerning such measures as could still be undertaken. He lamented the fact — as he felt it to be — that the king could not be reached effectually in such matters except through the regular diplomatic channels which tended to remove him from contact with the public. The impossibility of providing for the common necessities of life in The Netherlands, the lack of freedom in education, and oppressive measures in the matter of religion had led him to seek an audience with the king. Scholte stated that he was planning to go to the United States later in the year to investigate the situation for the poor, and, if the king were inclined to grant him audience, he would be prepared to state his case fully. The reply to this letter was friendly enough and granted the request provided Scholte would apply for the interview when he was on his way to America.⁹³

Scholte, however, did not ask for this privilege, although he had intended to do so before his departure. The August number of his *De Reformatie* contained an article which discussed the future of the country under three heads — religious, social, and political.⁹⁴ All difficulties arising from the peculiar conditions described under each heading could, in Scholte's estimation, be settled by granting absolute freedom in religious and educational matters not only in the mother country, but also in the colonies. He advocated freedom of settlement in the colonies, the abolition of various offices, freedom of commerce, and the removal of a variety of burdensome taxes.

⁹³ Scholte's *Nieuwjaarsgeschenk aan Nederland*, pp. 61, 62.

⁹⁴ *Wat moet er van Nederland worden?* in *De Reformatie*, Third Series, Pt. III, pp. 81-110.

Although Scholte expressed the hope that the House of Orange would remain an "ornament in the garden of The Netherlands,"⁹⁵ and in general was thoroughly loyal, he felt that these opinions were not entirely acceptable to the government inasmuch as the king did not acknowledge receipt of his presentation copy.⁹⁶ Nor was the September number, containing an article dealing with colonization in the East Indies, acknowledged.⁹⁷ The October issue contained a discussion of the speech from the throne and criticized its statements concerning the internal conditions and foreign relations of the country. This speech had indicated no change in attitude toward such problems as the poor, education, emigration, opening the Indies to emigrants, and religious freedom.⁹⁸ No acknowledgment of the receipt of this number was made.⁹⁹ The next issue criticized the disinclination of the government to open the East Indies to Christian settlers from Holland. This, Scholte thought, was the only way to strengthen Netherlandish control over a Mohammedan country. In Scholte's opinion the colonial and home governments sought to restrict the free expression of religion and allowed themselves to be influenced by the fanaticism of the Mohammedans when the question of erecting Christian missions arose.¹⁰⁰ He advised Hollanders to direct their future missionary activities toward the United States, where the government never interfered with

⁹⁵ *Wat moet er van Nederland worden?* in *De Reformatie*, Third Series, Pt. III, p. 109.

⁹⁶ Scholte's *Nieuwjaarsgeschenk aan Nederland*, p. 62.

⁹⁷ *Iets over de Kolonisatie in de Nederlandsche Oost- en West-Indische Bezittingen* in *De Reformatie*, Third Series, Pt. III, pp. 172-179.

⁹⁸ *De Troonrede* in *De Reformatie*, Third Series, Pt. III, pp. 238-242.

⁹⁹ Scholte's *Nieuwjaarsgeschenk aan Nederland*, p. 62.

¹⁰⁰ *De Regeering en het Mohammedanisme* in *De Reformatie*, Third Series, Pt. III, pp. 286-295.

such matters. To Scholte's surprise the king acknowledged the receipt of this number.¹⁰¹

Meanwhile, at the meeting of the committee which had been announced for September 4, 1846, important progress was made. Twelve sections of land, each containing 640 acres, were deemed necessary to satisfy the needs of the members. The tract of land could be divided into four units each so that those who had lived in the same neighborhood might obtain lands in the same community. This was no doubt a concession to the wishes of the peasants, who had never travelled far from home and disliked to settle in a strange environment. The maximum cost was estimated at two dollars per acre and this was to be paid out of the treasury of the Association. For choice of location they were to rely upon the report of a party comprising two experienced farmers, a master carpenter, a smith, and other workmen who were to leave Rotterdam on the third of October, bound for New Orleans whence they were to proceed up the Mississippi River to St. Louis. Here, it was hoped, they would meet Rev. A. C. Van Raalte with his band.¹⁰²

The names of the purchasers were to be given to the United States government, but the actual assignment of land was to take place only after the parties had arrived on the spot. The Association deemed this measure necessary in order to remove from the minds of the United States officials any possible suspicion of speculation. A quarter of a section — 160 acres — was to be set apart, to be paid for

¹⁰¹ *Nieuwjaarsgeschenk aan Nederland, Naschrift*, p. 71.

¹⁰² Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 182-184.

Scholte had intended to leave in October, but was prevented by the death of his child.—*De Reformatie*, Third Series, Pt. III, p. 184. For the departure of Van Raalte see Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 660, 661.

by all on a pro rata basis and upon this land a village was to be constructed at the expense of the Association. This village community was to have a house for the physician whose services would be necessary from the beginning, a schoolhouse, so that the children of the emigrants could be kept busy from the moment of arrival, and necessary cabins where shelter might be found until the land had been divided and permanent homes constructed. The proposed town was expected to become the center of the life of the Hollanders in America.¹⁰³ That this conception was drawn from the village communities in The Netherlands is at once patent, and it is interesting to note that the Van Raalte colony in western Michigan also sought to carry out the same idea. The question of ecclesiastical affiliation was postponed until the time of settlement, although it was announced at this time as a statement of principle that the Word of God should serve as the sole rule in the religious life of the colonists.¹⁰⁴ This is undoubtedly the reason why no provision was made for either the community church or the parsonage.

Until the actual purchase of land had been made, participation by non-members in the privileges of the Association was to be granted to such as wished to settle in the proposed colony and such as had some money to loan for the purpose of helping needy Christians to the United States. Scholte apparently acted as treasurer of this informal Association which as yet had not accepted any definite rules, and declared that he would at all times before his departure

¹⁰³ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 183.

For the plan of Pella, Iowa, as drawn in 1847 see the map in Scholte's *Eene Stem uit Pella*, and Scholte's *Tweede Stem uit Pella, met twee Platen*. The maps in these brochures are copied from the original surveys.

¹⁰⁴ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 185.

be willing to receive money for this purpose, and hold himself accountable at any moment for its use.¹⁰⁵ Scholte warned his friends and followers against undue haste; he again pointed to the experiences of many Germans who complained of the unfortunate treatment which they had received from sharpers upon their arrival in America; and he urged unanimity of purpose and concerted action so that the emigrants might know exactly where they were intending to go and what they expected to do.¹⁰⁶

The zeal for emigration now developed with great rapidity.¹⁰⁷ On October 29, 1846, Scholte wrote to Groen Van Prinsterer that a very large part of the Seceders would leave the country: in fact most of the people with whom Scholte had been working were preparing to emigrate. He felt that he would have no field of activity in temporal or religious matters if he stayed in Holland and it was his manifest duty to accompany them.¹⁰⁸ Scholte's peculiar Biblical and eschatological ideas which were to lead to so much discussion later among the Hollanders of Iowa and still have some influence led him to see the events of the day

¹⁰⁵ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 185.

¹⁰⁶ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 186, 187.

Catholics were planning to settle in Missouri.—Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 243. So great was the general interest manifested in emigration that a paper especially devoted to this subject was contemplated.—Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 244. Its title was to be *De Landverhuizing*.—See Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, p. 648.

¹⁰⁷ Letter from Scholte to Van Prinsterer, dated September, 1846.

On October 28th, a committee from Friesland where Scholte's influence was certainly not so strong as in Utrecht interviewed him.—Letter from Scholte to Van Prinsterer, dated October 29, 1846.

¹⁰⁸ Letter from Scholte to Van Prinsterer, dated October 29, 1846.

as the fulfilment of divine prophecy. Worldliness in The Netherlands was so great that God would most certainly visit the country with positive manifestations of disapproval. It was not merely "a fever" as was popularly assumed that led a part of the population which still adhered to the Christian view of life — as he held it to be¹⁰⁹ — to forsake the mother country.

This movement was growing on the continent, and the situation in Sweden and in Germany especially attracted Scholte's attention.¹¹⁰ The fact that well-to-do Christians did not contribute to help their poor brethren in any way touched him deeply.¹¹¹ Indeed, the agitation in favor of the East Indies still continued.¹¹² Heldring, however, had come to the conclusion that nothing remained for the poor but to emigrate.¹¹³ Another meeting of various Christian leaders was held at Amsterdam, but nothing was accomplished as most of them were reluctant to coöperate with the leaders of the Seceders. Heldring was uncertain; he approved the emigration but refused to participate actively.¹¹⁴ All efforts to aid the poor would have to come from the poor themselves but once settled in the United States¹¹⁵ the emigrants would from time to time seek to bring over some of their needy brethren who had been left

¹⁰⁹ Scholte's *Volksoordeelen* in *De Reformatie*, Third Series, Pt. III, pp. 222-232.

¹¹⁰ Scholte's *Zweedsche Landverhuizing naar Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 233-235.

¹¹¹ Letter from Scholte to Van Prinsterer, dated October 29, 1846.

¹¹² Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 187.

¹¹³ Heldring's *Binnen- en Buitenlandsche Kolonisatie in betrekking tot de Armoede*, p. 71.

¹¹⁴ Heldring's *Binnen- en Buitenlandsche Kolonisatie in betrekking tot de Armoede*, p. 71; letter from Scholte to Van Prinsterer, dated October 29, 1846.

¹¹⁵ Letter from Scholte to Van Prinsterer, dated October 29, 1846.

behind. Scholte now sought to sell his rights to his monthly magazine, *De Reformatie*, and use the proceeds in helping the destitute.¹¹⁶

The months of October and November, 1846, brought no change in the situation. The brochure of the first secretary of the Belgian Legation at Washington, D. C., A. Vander Straten Ponthos, appeared and a translation was at once prepared.¹¹⁷ The number of people requesting the right to join the Association was constantly growing, but as Scholte felt that the band to which he belonged was almost large enough, he began to advise parties to form other societies. Those who held the same religious principles as the members of the Association were for the present, however, allowed to join.¹¹⁸ On the second of October the advance group of emigrants who were to investigate the situation finally sailed from Rotterdam to St. Louis by way of New Orleans. Hendrik Barendregt, who appears to have been the chief figure in this group, wrote a very full account to Scholte on December 14, 1846.¹¹⁹ A number of Roman

¹¹⁶ Letter from Scholte to Van Prinsterer, dated September, 1846; Scholte's *Aankondiging betrekkelijk dit Tijdschrift* in *De Reformatie*, Third Series, Pt. III, p. 188.

In this, however, Scholte appears to have failed. The December number was printed probably as late as February, and no further issues seem to have been printed.—See Wormser's *Een Schat in Aarden Vaten*, First Series, Pt. II, pp. 183, 184.

¹¹⁷ *Recherches sur la situation des émigrants aux Etats-Unis de L'Amérique du Nord*.

It dealt with the material advantages offered by the western States of the United States. The Dutch edition appeared at Utrecht in 1847.

¹¹⁸ Scholte's *Aanmerkingen betrekkelijk de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 244.

¹¹⁹ See Barendregt's letter, dated St. Louis, December 14, 1846, in *De Reformatie*, Third Series, Pt. III, pp. 323-367.

This has been translated in part by Jacob Van der Zee in *The Hollanders of Iowa*, pp. 339-348. For the names of the people in the party see Van Stigt's *Geschiedenis van Pella en Omgeving*, Pt. I, pp. 76, 77.

Catholics were also actively planning to settle in Missouri.¹²⁰

About this time there appeared an interesting pamphlet from the pen of Rev. O. G. Heldring in which his statements in regard to the growing poverty in The Netherlands are wholly in accord with what has already been noted above. The writer was of the opinion that he himself was not free to emigrate, and he could not give up his pet desire of seeing the stream of migrating Hollanders directed to the Dutch East Indies, but he now thought that the United States offered the best opportunities for them in view of the obstacles which made the Indies almost impossible.¹²¹ Scholte discussed this pamphlet in the October number of his magazine. Both were agreed upon the desirability of migration of Netherlanders to the East Indies and the United States, and thought that the indecision and apparent incapability to initiate something on the part of the government or the people, so fatal in the present crisis, was due to neglect in preaching the Gospel.¹²² The address of the king, which Scholte discussed in the same issue of his organ, showed that nothing could be expected from the government.¹²³ In the previous month Van Raalte had sailed from Rotterdam with his band¹²⁴ and many prepared to follow him as soon as possible. Practically the entire con-

¹²⁰ Scholte's *Aanmerkingen betreffende de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 243; Scholte's *Berigten Aangaande de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 339.

¹²¹ Heldring's *Binnen- en Buitenlandsche Kolonisatie in betrekking tot de Armoede*.

¹²² Scholte's *Boekaankondiging* in *De Reformatie*, Third Series, Pt. III, pp. 246-248.

¹²³ Scholte's *De Troonrede* in *De Reformatie*, Third Series, Pt. III, pp. 238-242.

¹²⁴ Lucas's *The Beginnings of Dutch Immigration to Western Michigan*, 1846, in the *Michigan History Magazine*, Vol. VI, pp. 660-662.

gregation at Utrecht and also those at Leerdam and Noordeloos were anxious to go.¹²⁵

Opposition in various circles did not deter Scholte and his followers. Advocates of the East Indies passed sharp judgments and made hostile reflections upon the actions of the Seceders. The *Handelsblad* of Amsterdam published some articles dealing with emigration, designed to frighten Hollanders out of their resolution to migrate to the United States and to direct them to the East Indies. According to these articles the emigrant would meet only with "all kinds of misery, poverty and a comfortless death in America." Scholte printed an extensive reply to these articles in his magazine.¹²⁶ He declared that laws in America in regard to citizenship were mild. There were no such taxes in the United States as the *mouture* or *abbatage*, nor were there any taxes upon doors, windows, or chimneys. The immigrant would not have to give up the habits of a life time to earn a comfortable livelihood in America. Moreover, the Association would form a community where Dutch would be spoken. "If one pays his annual taxes, lives honestly and without arousing dissension, then he will feel that there are practically no laws for one does not have to ask whenever he makes a move whether he is acting in harmony with the laws."

Scholte also stated that some of the members of the Association were acquainted with the language, customs, and laws of America; in fact many who proposed to leave were making some efforts to learn the new language. Furthermore, the editor was profoundly ignorant of conditions in the western parts of the United States. "If he but knew", said Scholte, "the conditions and development of

¹²⁵ Letter from Scholte to Van Prinsterer, dated October 29, 1846.

¹²⁶ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, pp. 301-308.

the west, if he only knew that the State of Iowa already has several small towns, that one can there find mills propelled by steam, wind and water for sawing wood and grinding grain, that there are stores in the small towns in which the necessities of daily life needed in converting the wilderness into flourishing farms can be readily procured, that there is an abundance of grassland, if he but knew all these facts he would certainly not paint such an unfavorable picture of the great unoccupied expanses of the West."¹²⁷

The writer of the articles in the *Handelsblad* stated that once settled in the west, the emigrant would hear practically nothing of the fatherland and of his connections there. This Scholte stigmatized as a lie for many letters had come from that region written by very humble folk to their connections in The Netherlands.¹²⁸ In answer to the assertion that the immigrant settler would be exposed to the plundering raids of the Indians, Scholte stated that such conditions had existed in the previous century, but if the writer had any correct information of the situation he should know that no one could settle lands which had not yet been surveyed and that far beyond the limits of such surveyed lands there were stationed the military posts to guard against Indian raids. Fugitive slaves were less noticeable than the numerous beggars in Holland. By exercising a little care, it was possible to locate within a few miles of some town which had grown up on one of the numerous rivers and which was accordingly favorably located for commerce.¹²⁹

In the critic's estimate the East Indies or West Indies were much to be preferred but so unfavorable was the com-

¹²⁷ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, p. 303.

¹²⁸ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, pp. 304, 305.

Scholte was no doubt thinking of the letters printed in Van Raalte and Brummelkamp's *Landverhuizing*.

¹²⁹ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, p. 305.

parison of the two, so grotesque the misrepresentation of conditions in the west of the United States that, according to Scholte, the most naive reader would have to assume that the writer did not intend his objections to America to be believed. Themes had of old been treated in a similar manner by Erasmus in his *Praise of Folly* and in Marnix de St. Aldegonde's *Beehive*.¹³⁰ In reply to the cheerless view that essential conveniences of civilization were absent in these regions, Scholte asserted that the Association was composed of positive Christians and the comforts of religion would assuredly not be absent during sickness or on the deathbed. Medical care was being provided by the Association; complete toleration for religion was the natural order of things in the West; and all groups were allowed to organize their own churches.

Many other organs, it seems, took up the cudgels against emigration. The *Staatscourant* which represented the government gave information about a band of emigrants from Tubbergen in Overijssel who had gone to America where they had lost everything, and finally, in utter destitution, had been forced to return to The Netherlands. Another article in the *Handelsblad* was directed against the pamphlet of Brummelkamp and Van Raalte, and against a certain Stephan, who, it appears, had been guilty of crooked practices with emigrants. Scholte advised writers of such articles in all papers to present positive proof of their assertions.¹³¹ Earnest Christian leaders of the type of Heldring who were determined to stay at home in spite of the economic and especially the religious and educational questions were issuing an organ of their own. This

¹³⁰ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, p. 306.

The *Kamper Courant* also contained articles against emigration.—Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, p. 301.

¹³¹ Scholte's *Landverhuizing* in *De Reformatie*, Third Series, Pt. III, pp. 307, 308.

paper¹³² made use of the arguments employed by other opponents of emigration to America, and advocated the Indies as a better field. To these Scholte made another reply in the December number of his magazine.¹³³

Emigration on a large scale in fact was still a novelty in Holland, and many people naturally were opposed to it. Even among Scholte's connections there was opposition. His father-in-law, Krantz, who was a member of the Utrecht congregation, sought to induce his daughter to refuse to accompany Scholte to America. The quarrel between the two became so serious that Scholte refused to receive him in his home and on November 30th the matter was brought before the consistory of the congregation. J. Overkamp, J. Maasdam, and Linderman were appointed a committee to interview Krantz, but to no avail.¹³⁴

Final plans for emigration were perfected in December, 1846. The Association held a meeting at Utrecht on Christmas day and drew up a constitution which contained thirty-four articles.¹³⁵ According to this constitution there was to be a board of control composed of four members, a president, a vice president, and a secretary (Article 2). Membership was restricted to non-Catholics of good character (Article 4). The board was to control all business connected with the journey, such as chartering ships for the passage, control of the emigrants while on the way, collection of dues from the members, and payment of expenses

¹³² The title of this magazine was "*De Vereeniging 'Christelijke Stemmen'*".—See also Wormser's *Een Schat in Aarden Vaten*, First Series, Pt. II, p. 183.

¹³³ *Het Tijdschrift "De Vereeniging" en de Landverhuizing in De Reformatie*, Third Series, Pt. III, pp. 325-331.

¹³⁴ Minutes of the Consistory preserved in the church in Utrecht, under date of November 30, 1846.

¹³⁵ Lucas's *A Document Relating to Dutch Immigration to Iowa in 1846* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XXI, pp. 459-465.

(Articles 5 to 12). It also was to choose a favorable location in the United States, buy the lands desired, provide for the material organization of the community, arrange for education and medical care, prepare cabins for temporary shelter, and lay out the necessary roads, canals, and drains (Articles 13 to 19).

The Association was to have no connection with any ecclesiastical matters, which were left to those who wished to organize a church (Article 20). This indicates Scholte's repugnance of any external control of a religious institution. It must not, however, be inferred that Scholte did not expect that most of the membership would retain the same point of view in matters of church government in the United States as in Holland. Opponents of his independent views in such matters were allowed to be members if they were of good repute and were not Catholics (Article 4). The Association with its officials was so planned as to control the community even after settlement had been effected. The board was to have an option for a period of twenty-four hours upon any parcel of real estate which any member might wish to sell during the first ten years after settlement (Article 26). It was even thought that money might be borrowed at interest for improvements in the colony (Article 27). The board was also to keep account of marriages, births, and deaths (Article 28). These rules, it will be observed, were the outcome of a good deal of reflection since the previous spring when Scholte was won over to the idea of emigration to the United States. It is needless to state that the meeting acted chiefly in accordance with his wishes.

Active plans for the journey were now begun. The date for departure was set as the last of March¹³⁶ or the begin-

¹³⁶ Scholte's *Berigten aangaande de Landverhuizing naar Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, p. 338.

ning of April, 1847. Another meeting of the Association was to be held at Utrecht on January 12, 1847, when the people, who in accordance with Article 3 of the constitution announced their desire to participate in the emigration and indicated the amount of land they desired, were to be investigated and possibly rejected in accordance with Article 4, which excluded Catholics and those whose moral conduct was not above suspicion. This meeting it appears was actually held, but unfortunately no report of it has been preserved. The sums needed for the purchase of land in the proposed colony were required according to the constitution to be deposited with the board before the fifteenth of March (Article 10) and the sums for travelling expenses in January.¹³⁷

According to Article 34 all documents in which the Association was concerned were to be signed by the president and secretary. It is very unfortunate that the papers connected with this episode have been lost or perhaps destroyed after the death of Mr. Scholte.¹³⁸ The money was deposited in a handsome iron, box-like safe which was

¹³⁷ Scholte's *Berigten aangaande de Landverhuizing naar Noord-Amerika in De Reformatie*, Third Series, Pt. III, p. 339.

¹³⁸ His death occurred in 1868. Many letters and papers were destroyed by his widow shortly after his death. However, among the papers still preserved at Pella there was found a small note in the handwriting of H. P. Scholte with the following statement: "Ontvangen van den Heer Hendk. Christiaan Frankfurth voor aan te koopen land in de Vereenigde Staten van Noord-Amerika de somma van vijftig gulden. Utrecht, den 13 Maart, 1847." It is signed "J. Overkamp, secretaris, Namens den President, H. P. Scholte." Translated, it reads: "Received from Mr. Hendrik Christiaan Frankfurth the sum of fifty guilders for the purchase of land in the United States of North America", and the signature, "J. Overkamp, Secretary. For the President, H. P. Scholte." On the back of this document appears the following statement, "I, H. C. Frankfurth do hereby acknowledge to have received of the heirs of H. P. Scholte, deceased, the sum of twenty-four dollars in full of the amount herein named and in consideration of the return to them of this receipt, August 19, 1874." This is in the handwriting of the late H. P. Scholte and bears the autograph "Henry Christian Frankfurth".

carried to this country.¹³⁹ In the week between the tenth and seventeenth of December, 1846, Scholte sold his house and the church building "for such a high price that not only could the debt be paid, but the needy members of the congregation for the greater part helped over to the United States." The small number remaining were already negotiating for another place of worship.¹⁴⁰ Question at once arose as to who should be allowed to share in this money. One member, a woman, appeared before the consistory on December 14th and claimed this privilege. As her husband was not a member of the congregation "and according to certain reports is a lazy, worldly man, and in addition to this, that her oldest daughters do not conduct themselves in the best manner and hence cannot be regarded as bearing the name of members of the congregation," it was decided that they were not entitled to a share in the money for transportation. The consistory now decided to draw up a list of members in view of the fact that this action was applicable to others as well.¹⁴¹

In the next meeting, on the evening of December 21st, there was further discussion touching a number of persons who had likewise never shown any particular zeal as members of the congregation.¹⁴² This action on the part of the consistory appears to have at once caused some misunderstanding and criticism. It was maintained that it had been stated from the beginning that the needy families of the congregation were to be helped over to America with the money derived from the sale of the church building and that it had not originally been stated that the members alone would be helped. These critics desired that the consistory

¹³⁹ Still preserved in the Pella National Bank.

¹⁴⁰ Letter from H. P. Scholte to Van Prinsterer, dated December 17, 1846.

¹⁴¹ Minutes of the Consistory for December 14, 1846.

¹⁴² Minutes of the Consistory for December 21, 1846.

should be guided by the prior statement because many a family in which there was no Christian mother would otherwise be left behind, and many a Christian parent would not want to leave his unbelieving children. Scholte was not at the meeting when this matter was discussed, and the decision was postponed until he could be present, but the matter does not appear to have been discussed in subsequent meetings. On January 11, 1847, another applicant for aid to emigrate was rejected on account of lack of evidence of Christian conduct. Both elders of the congregation with most of the members were planning to leave, and accordingly on the first of February it was decided that their successors should be chosen. This was done on February 8, 1847.¹⁴³

The December, 1846, number of *De Reformatie* appeared late and contained a report of the proceedings of the meeting held in Utrecht on Christmas day, 1846. Scholte also announced on this occasion that the committee of the Association under the leadership of Barendregt had arrived at New Orleans on November 19, 1846.¹⁴⁴ Information had also been received of the arrival of a party of Gelderlanders who appear to have had no connection with the emigrants from Arnhem.¹⁴⁵ Rev. A. C. Van Raalte had also arrived at New York on November 18, 1846, according to a letter from "one of the brethren" at New York.¹⁴⁶ This person, undoubtedly none other than Rev. Isaac N. Wyckoff, helped Van Raalte exchange his Dutch for American money.

Van Raalte then hurried toward Wisconsin, for the

¹⁴³ Minutes of the Consistory for December 28, 1846.

¹⁴⁴ *Berigten aangaande de Landverhuizing naar Noord-Amerika*, pp. 338-340.

¹⁴⁵ *Berigten aangaande de Landverhuizing naar Noord-Amerika*, p. 339.

¹⁴⁶ *Berigten aangaande de Landverhuizing naar Noord-Amerika*, pp. 339, 340.

Dr. Henry Beets argues that the arrival occurred on the 17th.—See Beets's *Van Raalte's Arrival Seventy-five Years Ago* in *The Banner* (Grand Rapids, Michigan), November 10, 1921.

season was late and the Erie Canal and the Great Lakes would soon be frozen over. At Albany a society had been formed to care for the immigrants as they passed through that city westward.¹⁴⁷ This was really a committee of the Second Reformed Church of Albany of which the well known Rev. Isaac N. Wyckoff was then pastor.¹⁴⁸ He had published notices concerning the immigration from Holland in *The Christian Intelligencer* of New York. Among these was the letter carried by the families of Arnoud and Kronkelenberg who had left Arnhem on May 28, 1846.¹⁴⁹ The December number, which proved to be the final issue of *De Reformatie*, contained as its last item Barendregt's letter written at St. Louis on December 14, 1846.¹⁵⁰

The project of emigration was well under way, and the problems connected with the immediate followers of Scholte seemed to be settled. The organization had been planned carefully; the Hollanders had learned from the experiences of many Germans before them. Thus the poor would be helped, and all would be able to stay together, and form a community where they could find religious freedom in a land where the government did not regard ecclesiastical matters as a branch of its ordinary duties.

On December 17, 1846, Scholte wrote what appears to have been his last letter in Holland to his friend Guillaume Groen Van Prinsterer. In this he again gives evidence of

¹⁴⁷ Scholte's *Berigten aangaande de Landverhuizing naar Noord-Amerika*, pp. 339, 340.— See also Dosker's *Levenschets van Rev. A. C. Van Raalte, D. D.*, p. 68.

¹⁴⁸ Corwin's *A Manual of the Reformed Church in America, 1632-1902* (Fourth Edition), pp. 922-924.

¹⁴⁹ See Lucas's *The Beginnings of Dutch Immigration to Western Michigan, 1846*, in the *Michigan History Magazine*, Vol. VI, pp. 657, 658.

¹⁵⁰ *Brief uit Noord-Amerika* in *De Reformatie*, Third Series, Pt. III, pp. 323 (wrongly pagged as 355)-367.

Translated extracts of this letter were published by Jacob Van der Zee in *The Hollanders of Iowa*, Appendix A, pp. 339-348.

the pain he felt in leaving the land of his birth, but reiterated the reasons why such a move was necessary. He was looking forward to the settlement in the West of America where he could continue to minister to the religious needs of his followers. Gradually they could bring over more and more of the destitute people whom they could not now take with them. He even imagined that he might find opportunity to preach to German and French immigrants.¹⁵¹ He also announced the speedy appearance of his pamphlet, *Nieuwjaarsgeschenk aan Nederland* in which he again explained all the reasons which impelled him to leave.¹⁵²

At this point our account must close. The data necessary to recount fully the steps taken by the Association in preparation for their voyage and the chartering of vessels appear to have been lost. The journey to the United States, the choice of a location on the prairies of Iowa, and the founding of Pella have already been described in detail.¹⁵³

HENRY S. LUCAS

SEATTLE WASHINGTON

¹⁵¹ Letter from Scholte to Van Prinsterer, dated December 17, 1846.

¹⁵² Letter from Scholte to Van Prinsterer, dated December 17, 1846.

The title of the pamphlet was *Nieuwjaarsgeschenk aan Nederland, een Ernstig Woord aan Vorst en Volk*. The proceeds of this pamphlet were to be used for spreading the Gospel in the new colony in America.

¹⁵³ Van der Zee's *The Hollanders of Iowa*.

SOME EARLY EDUCATIONAL LEADERS IN IOWA

No group of men in the history of Iowa seem to be more worthy of special mention than those who set forth the educational needs of the new Commonwealth. Although their labors extended into the next decade, and in some instances beyond it, their most important contribution was made before 1860. The demands which they made and the agitation which they helped to promote during this early period brought about the appointment of a commission on school law revision, and, finally, in 1858, the enactment of a statute that has been considered as fundamental. In those days educational publicity was gained largely through personal contact, for problems connected with education were not featured by the press. These men, therefore, used every opportunity to spread their doctrine by public addresses, through resolutions adopted and published by institutes and associations, and through petitions and reports to legislative bodies.

To-day one would hesitate to call a convention of school men of any class at a city not conveniently reached by the best methods of transportation. But in 1854 the leaders in the movement for a real system of education in Iowa traveled by stage coach in mid-winter to the capital of the State, where they constituted "one of the largest and most respectable conventions" that had thus far assembled. From those "volunteers in the cause of education" who had come from distant sections of the State a few representatives may be drawn and their particular contributions to the cause they advocated may be briefly described.

DR. WILLIAM REYNOLDS

Dr. William Reynolds was introduced to the people of the Territory of Iowa in 1841 when he was appointed by Governor Robert Lucas to the recently created office of Superintendent of Public Instruction. In speaking of his appointment, Dr. Reynolds said: "At the time I was honored with the commission for that office, I was in a great degree a stranger to the peculiarities of a Territorial government. Possessing an ardent zeal for the furtherance of a favorite cause, I fondly anticipated much—I soon found, too much." It is not surprising that Dr. Reynolds was disappointed in his work for he had served only part of a year when the office of Superintendent of Public Instruction was abolished.

At the beginning of his term, he planned an itinerary over the part of the Territory then settled, to inform the people relative to the school legislation already enacted and to arouse an interest in its provisions. This plan, however, was modified by the conditions confronting him on his assumption of office, and after consultation with the Governor. Moreover, the law creating the office did not contemplate any such journey, or at least did not provide any way by which it could be made except as the incumbent of the office should elect to provide for himself. The new Superintendent was probably ambitious beyond the real needs of the situation, for under the laws of 1839 and 1840 little had been done toward organizing district schools. To undertake a tour at that time, therefore, was considered ill-advised, and attention was directed to the distribution of information through correspondence.

Fortunately Dr. Reynolds submitted one formal report for the fraction of a year during which he was permitted to promote the interests of the "primary school system". His constructive policy, however, is shown by the effort

which he made to collect information relative to the actual situation from other than official sources and by his use of means not specified in the statute in securing desired results. Perhaps the legal injunction "to use every exertion to effect an immediate organization of the primary school system in accordance with the laws" was the stimulus, for it could not have been his compensation of \$250 annually. He was optimistic, however, notwithstanding the fact that he had good reason to doubt the coöperation of those locally responsible for the execution of the laws. "The flood of emigrants that is so rapidly settling our Territory" would, in his opinion, ultimately compel a response to the legislative provisions for a public school system. He also put a liberal interpretation upon the few and apparently unsatisfactory reports sent up to him by county officials.

Dr. Reynolds regretted the indifference to education that seemed to prevail in many parts of the Territory; but he ascribed this to the inability of local officers to obtain a copy of the school law, or to the difficulty in comprehending its requirements, when it was available. He could not believe that "any citizen of our proud Territory" was indifferent to education, nor that there was any one who did not exert some influence, or possess some talent or power which might be employed in the cause of public instruction. At the same time he very frankly declared that the "language of our statute books is more difficult" than any other for ordinary readers, and for this reason such books were "less read". He urged, therefore, that laws be prepared in "as popular language as the nature of the case will admit." At the same time he suggested that the difficulty might be overcome by publishing the school statute with "explanations and directions" on the portions of the law "that are at this time practicable", and by the general distribution of this annotated law among school officers.

Moreover, the Superintendent believed that his own office should not be merely nominal. The law itself enumerated many duties, and there were others created by demands which had not been foreseen by the legislature. Very early in his term he set forth some reasons why such an office should be retained and the entire time of at least one person be devoted to its administration. It was his opinion that at least one-half of the next year, 1842, should be spent by the Superintendent in traveling over the counties and among the districts already organized, in order to urge the adoption of all the provisions of the law, and to extend the influence of his office. To be sure this action would necessitate some expense and doubtless the Superintendent was thinking of some additional compensation. These suggestions, however, seem to have had a reactionary effect upon the Territorial legislature which quite summarily abolished the office of Superintendent of Public Instruction after it had been in existence less than one year.

The attitude of the legislature, however, could not affect the value of the recommendations which may be characterized as fundamental, and which have practically been adopted since. For example, attention was called to the fact that "the education of our youth is one of those matters about which we cannot be too vigilant, nor begin too early to make provisions". This was especially true of the period when the Territory was being settled so rapidly. Indeed, Dr. Reynolds said, "legislation in anticipation can hardly be avoided; we are hastening from infancy to maturity with such rapidity that we are forced to keep a vigilant eye to the future". Therefore there was much to be done in establishing "nothing short of a system of education that shall be public, not in name only, but one that shall be public in the full sense of the word; one that shall render our schools free the year round to every child in

the Territory, and yet see to it that the schools are good ones." The right of every child to the benefits of an education was not to be questioned, since on arriving at maturity all would be expected to perform certain functions which had an important relation to society in general, and could not be properly discharged without a reasonable development of their physical, intellectual, and moral powers. Although the parents might be expected to educate their children to the limit of their ability, society was bound to provide at least so much additional education as would fit each individual to care for himself, to obtain further education by his own efforts, and to perform such services as society might demand. Nevertheless, "just in proportion as this standard is exceeded by the munificence of society, will the intellectual and moral state of that society be elevated."

It is noteworthy that the subject of compulsory attendance was brought up in this first report relative to school administration in the Territory made in 1841. It was essential, the Superintendent declared, that parental neglect — perhaps inertia would be a better term — should be overcome by some indirect method or, if necessary, by a direct compulsory school attendance law. The experience of the States had already shown that a voluntary compliance with the law and an appreciation of the opportunities for educating the children was not to be expected from all citizens. The fact that a good system of education had been established was of itself of small consequence to some people. A republican form of government should make "better provisions" for the education of its children than any other; and that these provisions might become effective, the Superintendent advocated some means to compel the youth of the Territory to attend school.

At that time no State had schools which were entirely free, except for a very brief period in each year. To secure adequate free schools, however, Dr. Reynolds believed that it would be necessary only to make the people understand the advantage to be gained "not only in a moral, but in a pecuniary point of view." He considered the practice of other States which had increased taxes for school support from year to year as proof of this assertion. It was his belief that if an absolutely free school system, in which a "properly educated teacher" should be put into every school, should be adopted, and the "whole of the present rising generation be thoroughly educated under it", none thereafter would consent to its interruption.

No system, however, could be successfully developed without the hearty coöperation of the people. The mere enactment of laws would be of little value if the organizations which they authorized were not put into operation. Every organization required money to carry it into effect and funds must be raised for the schools either through direct taxation to which so many seemed to object or through some indirect method. In this connection attention was called to the public school lands already surveyed which would come into the possession of the State at its admission into the Union. From several possible sources it was estimated that there would be sufficient to make a "very handsome income", although the total anticipated returns would have come well within \$100,000. This may have seemed like a rather large sum to the people of 1841, but when placed alongside of the \$20,000,000 expended in a single year for public education in Iowa it seems scarcely worthy of consideration.¹

¹ *Journal of the Council, 1841-1842, Appendix, pp. 279-288; Laws of the Territory of Iowa, 1840-1841, pp. 37, 38.*

THOMAS H. BENTON, JR.

Thomas Hart Benton, Jr., a nephew of Senator Thomas Hart Benton of Missouri, came to Dubuque about the time of the organization of the Territory of Iowa. There he established a private classical school and subsequently engaged in business. When Iowa became a State in 1846 Mr. Benton was one of the senators elected in the district composed of the counties of Dubuque, Delaware, Clayton, Fayette, Buchanan, and Black Hawk. During the session of the First General Assembly he was the chairman of the Committee on Schools and a member of the Committees on Judiciary, Elections, and Incorporations. He introduced the bill which became a law incorporating the city of Dubuque. His legislative service was required likewise during the extra session called in January, 1848, when he served as temporary chairman. Again he was the chairman of the Committee on Schools, and doubtless reviewed the law which had been declared unconstitutional in 1847, thereby removing James Harlan from the office of Superintendent of Public Instruction. The Committee on Schools was instructed at this time to make special inquiry relative to the transactions of county school fund commissioners, and the information then obtained may have served Mr. Benton very well when he came into a position where he was to supervise these transactions and the methods by which they were conducted.²

In view of his relations to the school law and the General Assembly it is interesting to know that Mr. Benton, as a candidate for the office of Superintendent of Public Instruction in the election of 1848, was opposed by Mr. Harlan.

² *Journal of the Senate*, 1846-1847, pp. 4, 8, 25, 26, 104, 1848 (Extra Session), pp. 5, 15, 20; Aurner's *History of Education in Iowa*, Vol. I, pp. 18, 19; *Iowa Historical Record*, Vol. XVIII, p. 598. Benton's classical school, at Dubuque, was probably the first of the kind in the Territory of Iowa.

The contest, in which the candidates stumped the State together, was decided in favor of Benton. The joint debate, it has been said, was conducted in the most friendly manner and it would be unfair to assume that either of the principals in the campaigns would have countenanced any impropriety in the method of determining the result. It appears, however, that Mr. Harlan was not satisfied that his opponent was entitled to the office.

Some very important measures affecting schools were enacted during the six years of Superintendent Benton's service. He was aggressive in his efforts to advance the educational interests of the State and he endeavored by personal supervision to introduce reforms in the handling of the permanent school fund. His office at that time was charged with the general management of the school lands and funds in addition to the supervision of instruction and administration.³

While serving as Superintendent of Public Instruction Mr. Benton had his office at Iowa City, and his name appears upon the county records of Johnson County in 1849 in connection with certain petitions which related to property interests in that community. On his retirement from public service he removed to Council Bluffs where he became a member of the firm of Green, Weare and Benton and the manager, it appears, of the corporation. At the same time he was the president of the American Exchange Bank of Omaha and of a similar institution in Bellevue, Nebraska. Under the Constitution of 1846 Iowa did not permit the operation of banks as such and many corporations handled money issued by banks in neighboring States. This combination of business positions was, perhaps, an

³ For the details connected with these various functions during the period from 1848-1854, see Aurner's *History of Education in Iowa*, Vols. I-IV. There are not fewer than sixty-five references to Benton in these volumes. See also Brigham's *James Harlan*, pp. 60-63.

attempt to take advantage of this plan. About 1857 the firm with which Mr. Benton was identified built a fine business house in the city of Council Bluffs and the manager himself erected a dwelling house in one of the glens near by. The prosperous outlook, however, had not been long in view when the financial crisis of 1857 swept away the Nebraska firms and along with them the Council Bluffs establishment.⁴

These events occurred just before the State Board of Education, elected under the provisions of the new Constitution, found itself in need of a Secretary — an executive officer. Perhaps the attention of that body was drawn to one who had already served six years in a similar capacity, or it is possible that the candidate sought the office after his recent reverses in business. At all events at the first session of the Board, in December, 1858, Thomas H. Benton, Jr., was elected Secretary in which position he continued to serve until his resignation in 1863, when he had been one year in active army service.

As Secretary of the Board of Education his public functions were practically the same as they had been while Superintendent of Public Instruction. There were, however, some important differences in the laws under which he had formerly acted and the new act of 1858. His first duty related to the inauguration of measures to carry into effect the free school law — the fundamental authority for our present school system. As enacted by the State Board of Education — which had legislative powers — the statute required some elucidation and of course it was to be distributed among the proper school officers throughout the State. It was Mr. Benton's duty also to edit the journals of the proceedings for the three sessions which constituted

⁴ *Annals of Iowa* (First Series), Vol. X, pp. 43, 185, 186, Vol. XI, p. 443; *Aurner's Leading Events in Johnson County, Iowa, History*, Vol. I, p. 198.

the entire history of the State Board of Education. As the official head of the school system he traveled extensively over the State and compiled his reports not only from data submitted by subordinate officers, but in many instances from first-hand knowledge.

The new law, which made some radical changes in organization, required a leadership which could present reasons for every step taken. Mr. Benton could do this as may be shown by reference to his first act as Secretary. He defended the new school law and especially the provision for county superintendents, an office which the people seemed determined to abolish because of the anticipated expense that would be incurred. In this instance, however, Mr. Benton pointed out that the new office was less expensive than the office of school fund commissioner, although the duties of county superintendent were constructive while those of the school fund commissioner were wholly administrative. The Secretary of the Board of Education was given power to supplement possible defects in the school law, if discovered when the Board was not in session, and its sessions were limited originally by the Constitution to twenty days annually and later to twenty days biennially by the General Assembly. No similar powers have ever been conferred upon any other school officer. It was within his province to add rules and regulations affecting districts or subordinate officers which had the force of law until acted upon by the Board. Mr. Benton, however, considered this power which he defined as "semi-legislative" as unusual and except in a very few instances refused to exercise it, although he explained by correspondence ambiguities found in the statutes of the Board of Education.

In view of present movements in education the following quotation from Mr. Benton may be of interest: "I concur fully with the late Superintendent of Public Instruction, Mr.

Fisher, in regard to large districts. He recommended [in 1857] the township system with some hesitation, not because he doubted its utility, but because he foresaw the temporary inconvenience that must necessarily arise from the change from an old to a new system; and in this particular I can fully appreciate his feelings. Large districts give us a much more efficient and less expensive organization. Indeed, if each county were constituted a school district, they would be none too large, if the people were prepared for what would now [in 1859] be deemed so ultra a measure." There was no hesitation on his part, however, in recommending the congressional township as the minimum area which should constitute the permanent district and he believed that sub-districts should be abolished. Along with this suggestion he outlined a plan of procedure in making the necessary changes. Although many have advocated the same thing from that time to the present hour the sub-district has persisted.⁵

The second report of Secretary Benton was made at the close of 1861 when the Civil War had begun to test the stability of educational systems. Although the schools "resisted the shock, perhaps more successfully than any other interest", it was felt that they would have been far in "advance of their present attainments, and their progress would far exceed any thing heretofore known in our educational history" had there been no interruption. At the same time it was considered more than merely creditable that the educational organization was maintained during the war, a fact which evidenced its appreciation.

Outside of the strictly educational discussions Mr. Benton went on to say:

⁵ Aurner's *History of Education in Iowa*, Vol. II, pp. 34, 36, 42, 115, 123; *Annals of Iowa* (First Series), Vol. XI, pp. 345, 346, 350, 436, 437; *Report of the Secretary of the State Board of Education*, 1859, pp. 11, 14, 15, 20, 21.

War under any circumstances is a dreadful calamity, but it affords lessons of instruction that we seldom succeed in deriving from any other source. While, in the present instance, it has made our utter destitution of the means of national defense so glaringly apparent in the commencement of hostilities, it has also shown the wisdom of those who originated a system of popular education. It has demonstrated more forcibly than all the books and educational reports heretofore published, could have done, that intelligence and virtue, in a government like ours, are indispensable elements of prosperity. . . . instead of relaxing our efforts, it behooves us to tax our ingenuity to the utmost in imparting additional vitality to our schools. . . . I cannot resist the conclusion, that if there ever was a period that made a direct appeal to the friends of education for systematic and simultaneous co-operation, it is the present.

In 1862 Mr. Benton was permitted to appoint a Secretary *pro tem* and he himself became colonel of the Twenty-ninth Iowa Infantry. His portion of the biennial report written from the field in 1863 was his last official document relating to education under the auspices of the State. He subsequently removed to Marshalltown where he was soon drafted into service on the local board of education.⁶

MATURIN L. FISHER

Maturin L. Fisher was elected senator from the same senatorial district which had sent Thomas H. Benton, Jr., to the General Assembly in 1847, and he served in this position in the sessions of 1852-1853 and 1854-1855. He was a member of the Committee on Schools during the first session at which the rate bill act — a law supplementing the

⁶ *Report of the Secretary of the State Board of Education*, 1861, pp. 3, 5-7.

Thomas H. Benton, Jr., was a candidate for Governor in 1865. In his letter of acceptance he sets forth his reasons for accepting the nomination offered by the soldiers' union or democratic anti-negro suffrage ticket, although he declared his attachment to the principles of the Republican party which he had supported since its organization. His action seems to have alienated many former friends.—*Iowa State Press* (Iowa City), September 13, 1865.

meagre tax for the pay of teachers — was passed. Although Mr. Fisher supported the bill, it is clear from his vote on proposed amendments that its scope was too limited to meet with his entire approval. In 1854 Mr. Fisher served not only as a member but also as President of the Senate and he was, therefore, thoroughly familiar with the proceedings of the General Assembly previous to his election as Superintendent of Public Instruction in 1857.

About three months before the enactment of the school law of March 12, 1858, State Superintendent M. L. Fisher submitted his first report. In that document he reviewed and enlarged upon the provisions for an educational system for the State which had been formulated in 1856 by the well-known commission of which Horace Mann was the chairman. Since Mr. Fisher's report was prepared after the adoption of the new State Constitution and previous to any legislation under it, it is probable that his re-assembling of the arguments for certain features of the Mann report had some influence in their being incorporated in the law of 1858. Indeed, some who have not looked into the events preceding his report have credited him with the original outline of the law of 1858.

It is well known that Mr. Fisher stood for a high type of legislation and he believed that Iowa was abundantly able even in 1857 to provide liberal appropriations for the education of the people. In a report written late in 1857 he declared that he had little hope of improving the situation as it was when he entered upon his duties the previous June until there was some radical change in the laws and he emphasized the responsibility of the General Assembly, which assembled in 1858, in the following statement: "Our moral and intellectual grandeur depend upon ourselves, and, in a great degree, upon the legislation of this session, and the appropriations, scanty or liberal, which may be

made for institutions for the promotion of learning and virtue.”⁷

A year later when Mr. Fisher submitted his second report to the new State Board of Education, he wrote from the viewpoint of one who had seen the effects of a law some provisions of which he had personally recommended. At that time the law passed by the General Assembly in 1858 had been in force for at least six months and the decision of the Supreme Court which declared the act unconstitutional had not yet appeared. He was then holding an office which might at any time be abolished by the State Board of Education; indeed it was so disposed of within a month after his official report had been submitted. Mr. Fisher endeavored to present the difficulties confronting the General Assembly in 1858, and half apologized for the delegation of authority which it had finally adopted in the authority given the State Board of Education. The Supreme Court later decided that such legislative functions could not be delegated.⁸

When Mr. Fisher commented upon the educational outlook in the fall of 1858 not fewer than 8000 school officers had been elected in accordance with the provisions of the new statute, but the majority of the 8000 had never seen a copy of the law under which they were to serve, and they were, therefore, ignorant of its requirements. The office of the Superintendent of Public Instruction was “overwhelmed with letters asking for the decision of contested points”, and it was the opinion of the Superintendent that it would prove to be “a year of most arduous and embarrassing labor for school officers.” Nevertheless he was

⁷ *Journal of the Senate*, 1852-1853, pp. 4, 22, 279, 292, 1854-1855, p. 15; *Report of the Superintendent of Public Instruction*, 1858, pp. 4, 13-25, 29, in the *Iowa Legislative Documents*, 1859-1860.

⁸ *Aurner's History of Education in Iowa*, Vol. I, pp. 46, 47.

optimistic enough to believe that all the difficulties would be cheerfully endured for the sake of the good that would eventually be accomplished. Some annoyance, it was admitted, must be experienced in changing from an old to a new system; but this disturbance would be only temporary and would soon be forgotten, while any defect in the law could be remedied by amendment. The great question to be considered, however, was whether or not the statute would measure up to the demands put upon it; and this question was partly answered in the declaration that thus far — to December, 1858 — there were indications of auspicious results.

Among the constructive recommendations of Superintendent Fisher were several amendments to the new law which he had already observed to be needful after the brief period of its operation. Probably these amendments will not be fully adopted until the sub-district ceases to be recognized in the statutes. In other respects the suggestions have all been carried out either in their original or in some equivalent form.

It was in connection with the examination of the provisions of this law that the first and perhaps the most interesting of State conventions composed of county superintendents was held at Iowa City in September, 1858. It may be said that the revision of the act was then begun, inasmuch as the questions raised and in a measure answered brought out the sections which needed to be reconstructed. Before concluding his report Mr. Fisher referred to his work in the following words: "I have earnestly devoted, without intermission, that mediocrity of talents with which I have been endowed, to the discharge of the trust confided to me by the people; and it will be an ample reward for my labors if I am able to afford any aid to the Board of Education in bringing to perfection our system of public instruction." Mr.

Fisher probably believed that in case his office should be abolished by the Board of Education, as the Constitution authorized, he would be appointed Secretary and thus take over the functions of the Superintendent. But if he had such aspirations he was soon disappointed, for Thomas H. Benton, Jr., was elected to the new office.⁹

D. FRANKLIN WELLS

At the solicitation of Theodore S. Parvin, a member of the local board of education in Muscatine, D. Franklin Wells came from New York to Iowa in 1853. He had recently completed his course at the Albany normal school and on his arrival in Muscatine he assumed the duties of principal of the school in District No. 1, Bloomington Township, Muscatine County. First he supervised the furnishing of the new school building which had just been completed; and then, during the year, he set out to grade the schools of the district — the first effort of the kind in the State. Four teachers were employed in the school under the supervision of Mr. Wells and it is observed that the board which employed him made him “directly responsible” for the official conduct of the assistants.

At that time the city of Muscatine constituted two separate districts operating under different boards, and sometimes the question of jurisdiction produced friction. To avoid this trouble it was proposed to unite the two under a combined board of six members — three from each district — although there was no statute which authorized such an organization. This union might possibly have been accomplished through mutual agreement and the adoption of provisions found in the rate bill law of 1853, if Mr. Wells had

⁹ *Report of the Superintendent of Public Instruction*, 1858, pp. 7, 8, 19–24, 26 (with the *Journal of the Board of Education*, 1858–1862); Aurner's *History of Education in Iowa*, Vol. I, p. 298; *Journal of the Board of Education of the State of Iowa* (First Session), 1858, p. 70.

remained at Muscatine, for his previous experience led him to look forward to such a desirable consolidation of interests, and the board which had employed him believed that he was able not only to plan largely but also to execute wisely.

The last duty performed by Mr. Wells in that community seems to have been the preparation of the district report in 1856. It was customary, it appears, for the secretary of the district board to do this but the office had become vacant and Mr. Wells was appointed to that position temporarily. According to the law of 1849, he was, by virtue of the appointment as secretary, a member of the district board, and there arose the unusual situation of the principal teacher being a member of the body which employed him and fixed his compensation. This combination might have resulted in some confusion but it was a fortunate appointment for future students of Muscatine's history for Mr. Wells brought forward the data relative to the schools from the point where it had been left in 1854 to April, 1856. This work was done at the request of the district electors in regular annual meeting and the formal report was submitted at an adjourned session of the same district meeting within two weeks after such instructions had been given.¹⁰

About this time a new field of work opened for Mr. Wells. The State University of Iowa had been put into operation in 1855 and a normal department, authorized by the organic act, had been organized. In 1856 Mr. Wells was called from Muscatine to take charge of this department which he directed thereafter for at least a decade. The normal department was the only part of the University which was not suspended from 1858 to 1860, when lack of funds led to the discontinuance of instruction in the regular college classes.

¹⁰ *Annual Report of School District No. 1, Bloomington Township (Muscatine)*, 1854, pp. 4, 5, 7, 8, 1856, pp. 3, 6, 14.

In connection with his department, Mr. Wells established a model school in which he exemplified his instruction by practice. He was at hand also to assist in the reorganization of the University in 1860, and when the first State Board of Examiners — the University faculty — was organized, he became its chairman *ex officio*.

In 1866, for some unrecorded reason, Mr. Wells was relieved of his duties in the University and the model school which he had established was summarily abolished. Almost at once Mr. Wells was selected by the State Teachers' Association as its agent, an exceedingly appropriate selection for he had been one of the originators of the organization and its president in 1857 and again in 1860. As the State agent of the Association his duties would have brought him into immediate association with the teachers in institutes and with the public in lectures. The compensation and tenure, however, were so indefinite that the position could not have been attractive to anyone who must depend upon it for a livelihood. Fortunately these questions did not long perplex Mr. Wells, for Governor Stone in 1867 appointed him Superintendent of Public Instruction to succeed Mr. Oran Faville, who had resigned. In addition to his duties in this office he was the editor of the *Iowa School Journal* in 1867 and 1868 by virtue of his election to this position by the State Teachers' Association.

Although well equipped by training and experience for such an office, his physical endurance, it appears, was quite inadequate to the severe demands made upon him. It was his custom, however, to forge ahead with his labors regardless of self, and when convinced that his cause was just he would pursue it at any cost. The governing principle of his actions was never subject to the opinions of others. At the same time he was classed among the most courteous of men, for being "generous, charitable and forgiving to the last

degree" he never sought to retaliate when wronged: on the contrary he endeavored to find some reason for the injustice done him. It was said that he was "patient under suffering and wrong", and even reproved his friends when they were indignant in his behalf. Although there were many who disagreed with the educational policies of Mr. Wells, it is probable that even his opponents agreed with the estimate by Jerome Allen who said of Mr. Wells in 1868: "In his death, the State has lost a noble worker, and the common schools a sage and master guide — one whose counsels will be remembered long years hence."¹¹

GEORGE B. DENISON

Two years before Mr. Wells became principal in District No. 1 in Bloomington Township, Muscatine County, George B. Denison was employed in a similar capacity in District No. 2. His activity is revealed in the legislation of 1853 when a law was enacted allowing districts the option of enforcing the rate bill and thus extending instruction over a longer period in each year. This act was promoted by Mr. Denison and was at once adopted by his district. The power thus conferred was probably employed to improve the instruction, and eventually to develop a graded school in the two districts of Bloomington Township, for it is clear that the district boundaries were not limited to the town of Muscatine.

Teachers in District No. 2 seem to have been employed by the term and Mr. Denison was not engaged in 1854-1855 until the third term of that year, when a new board of education recalled him to his former place. Although he was

¹¹ *The Iowa School Journal*, Vol. X, pp. 86, 87; *Aurner's History of Education in Iowa*, Vol. II, pp. 132, 194, 198, 207, Vol. IV, pp. 13, 25; *Annals of Iowa* (First Series), Vol. V, p. 864, Vol. VII, pp. 91, 94-96.

The reader is referred to Volumes I-IV of *Aurner's History of Education in Iowa* for further information relative to the works of D. Franklin Wells.

not actively engaged in instruction in 1856 the Muscatine directory for that year lists him as a school teacher and gives the additional information that he boarded at the Clover House. Again, in 1859, Mr. Denison was a school book agent with an office at 178 Second Street, Muscatine, between Iowa Avenue and Sycamore Street. In 1863, however, when the war took away Dr. D. H. Goodno from the principal's place in the town schools and also made vacant the office of the county superintendent, Mr. Denison returned to the duties of a teacher and by appointment assumed also the vacant office of county superintendent. It was while serving in the county office that he made some important recommendations relative to amendments to the school law, one of which — the appointment of county superintendents by a convention of school officers — has but very recently been enacted into law. And it may also be said that this provision had been urged by Mr. Denison upon the State Board of Education at its first session in 1858.

As the first treasurer of the State Teachers' Association it became his duty to make the formal financial report which seems to have been submitted for the first time in 1858. For the three years Mr. Denison had received \$34, the total income of the Association; he had expended \$21 for sundry purposes under orders from the Association and thus it was shown that a handsome balance remained in the hands of the treasurer.¹²

CHRISTOPHER C. NESTLERODE

The union school was first instituted in Iowa by Christopher C. Nestlerode who came from Ohio in 1856 for that purpose. He had, however, visited the State in 1854 and

¹² *The Voice of Iowa*, Vol. III, p. 37; *Muscatine Directory*, 1856, p. 57, 1859, p. 41; *Biennial Report of the Superintendent of Public Instruction*, 1864-1865, p. 68, in the *Iowa Legislative Documents*, 1866, Vol. I; Richman's *History of Muscatine County*, Vol. I, pp. 342, 344.

had attended the sessions of the State Teachers' Association held in December of that year. Two years later upon his employment by the district board at Tipton he proceeded at once to organize a union school on the plan then prevailing in Ohio; but he found no Iowa statute whereby such a school could be fully maintained. With his usual determination, however, he set out to relieve the situation by drawing from the laws of Ohio — acts passed expressly, it appears, for the cities of Akron and Massillon — a model for the desired law in Iowa. Although he did not publish its origin it is clear that the only changes made were such as were necessary to adapt the borrowed statute to local conditions.¹³

In the campaign for free schools Mr. Nestlerode was a decided and enthusiastic advocate. Indeed, he was so aggressive that he aroused considerable antagonism in his own community against the proposed taxation of property for the maintenance of higher grades of instruction. It was he, it appears, who coined the term, "school killers", which he employed to describe those who stood out against the school tax and sought to destroy the effective application of the act which he, with the aid of personal friends in the General Assembly, had succeeded in putting into the laws of the State. His plans were interrupted by the adoption of the new State Constitution in 1857, but the principle already established soon reappeared in the legislation of the State Board of Education, and the union school was continued. Meanwhile the legal questions raised by the opponents of the tax for school purposes were fought out before the Supreme Court, where the contention of Mr. Nestlerode and his associates was upheld. By that decision the "school killers" were effectually barred and the principle

¹³ Aurner's *History of Education in Iowa*, Vol. II, pp. 383-395; *Proceedings of the Fourth Reunion of the Tipton Union School*, 1897, pp. 79, 80.

that property should bear the cost of education was more firmly established.

From 1856, when the first teachers' institute was conducted in Iowa, to 1875 Mr. Nestlerode was a recognized leader in their management. He was twice president of the State Teachers' Association — in 1857 and in 1862 — and represented the interests of that organization during the first session of the State Board of Education in 1858. Indeed, he has said that he was present every day of the twenty on which the Board was assembled. In 1858 also he was made chairman of the executive committee of the State Association, and for three years in that position he not only edited and distributed the *Iowa Instructor*, the official publication of the Association, but he was also expected to serve as institute lecturer and public school promoter in general. The financial management of the *Iowa Instructor* involved the payment of bills by the executive committee regardless of funds in the treasury, and the chairman of that committee saw that all accounts were paid whether or not receipts covered expenditures.

The strong attachment existing between the principal and the pupils of the first union school is exemplified in the maintenance of association through a period of forty years. Beginning in 1882 and closing only with the death of the founder those who were identified as teachers and as pupils with the institution from 1856 to 1862 held periodic reunions in which the stirring events of the formative days, the contests, the trials, and the triumphs of pioneer school making were reviewed and contrasted with the great advances within the experiences of the members of the association.¹⁴

¹⁴ *Proceedings of the Second Reunion of the Tipton Union School*, 1887, pp. 52, 53; *Proceedings of the Fourth Reunion of the Tipton Union School*, 1897, p. 80; *Proceedings of the Celebration of the Semi-Centennial of the Tipton Union School*, 1907, pp. 5, 7, 18.

The opinions and purposes of Mr. Nestlerode are perhaps nowhere better presented than in his address before the State Teachers' Association in 1857. At the outset he acknowledged that "to establish a judicious school system, and properly to conduct the educational interests of a State, is a work of no ordinary magnitude." He discussed in a general way the public schools and his discourse raised many questions relative to their place in a Commonwealth. He boldly asserted as major premises that "teachers must take the lead and bear most of the burden of regenerating our present imperfect system of public schools". By a system he meant to include the actual methods of conducting schools as well as a fundamental law. There might be many kinds of schools but that one which was intended to educate the masses must be free. Moreover, he declared that the property of the State ought to educate the children of the State. In this connection many things were said to show the disadvantages of "pay schools" or the private schools of the time.

Mr. Nestlerode did not believe that a person had the right to support any school he pleased so long as he paid his own expenses: such action might conflict with the general welfare. He argued that to send children from home to be educated was at least unwholesome and often led to unfortunate results. He much preferred a "useful and practical education to a classical one" although by this assertion he did not wish to be understood as opposing the teaching of the classics, but such instruction should be turned to account in a practical way. There was another class who were opposed to free schools on the ground that they were too democratic; those with aristocratic tendencies did not wish to mix with the common crowd. To these Mr. Nestlerode replied that "the man or woman who feels it beneath his or her dignity to labor, and to associate with

the laboring class of [a] community, is unworthy of living in a republican government." In his opinion every argument as well as every experience led to the same conclusion: that free schools "should be universally established" to offer to each child a thorough practical education.

Before closing this address the speaker explained the difference between a "public school" and a "union school" such as the one already mentioned as having its beginning in this State under the direction of Mr. Nestlerode. It was in this connection that he referred to the adoption of the Ohio law in 1857 and the principle of grading in the organization of the union school. The public school, as commonly understood, included a miscellaneous, unclassified group in which the teacher was unable to employ his time to advantage. Finally he declared:

The school reform commenced with the teachers, and it must be carried on by them We shall have the hearty co-operation of many good men and women, who are not teachers, that will assist us with their means, their countenances and their prayers; but the real labor must be done by us There is a great work for the teachers of Iowa to perform. To them all eyes are directed to lead and carry on the great Educational Reform; and that teacher is unworthy the name, who stands back and falters, because he thinks *the pay is too small*.

In all good enterprises great sacrifices have to be made to carry them forward. The great educational enterprise is no exception.¹⁵

JOSHUA MAYNARD, M. D.

Opposed to the "school killers" were the equally zealous laymen who stood behind the professional advocates of free schools. Without the aid of those, who as officers of school districts upheld the authority conferred by the legislature, the progress would have been slow if not entirely interrupted. Dr. Joshua Maynard represents this group of lay-

¹⁵ *The Voice of Iowa*, Vol. II, pp. 165-180.

men. Throughout his life, Dr. Maynard was identified with the movements which sought to improve the opportunities offered for the education of youth, and it was natural for him to open his home as headquarters for the local educational meetings, for the editing of the *Iowa Instructor*, as well as for a shelter and station on the Underground Railroad in Iowa. At more than three score and ten years of age, he was serving as the president of the Tipton school board which employed C. C. Nestlerode to organize a union school in 1856.

A school system supported by public taxation could not have been inaugurated without such men to carry forward the programs of the theorists, and to defend the statutes. Doubtless the advice of such men was sought before legislation was proposed, and it is well known that the law of 1857 which permitted city and town districts to levy a tax for the maintenance of higher instruction had been approved by Dr. Maynard. Indeed, it was probably revised at his home, possibly under his immediate counsel, along with the supervision of Mr. Nestlerode who had been familiar with its operation in Ohio.

It is probable that Dr. Maynard was the first member of a board of education to appear before the State Teachers' Association with a formal address upon the "duties of district school directors". This was in 1859 when he was also employing his pen to further the campaign for a property tax for education. If one may judge from the current comment of that period there were some who believed that the influence of the individual over the school should be directly proportional to the tax he paid. This doctrine was opposed by Dr. Maynard who endeavored to show that the payment of a county or State tax conferred no such power over the county or State. Why, therefore, should the payment of a tax for the district school confer additional pow-

ers? Were not all men interested in free institutions? How could these be maintained or perpetuated without an educated youth?

If one citizen were given a disproportionate share in the control of education because of his wealth, a man with a large family and no wealth might have no voice in the management of the schools, while one with no family and large wealth could dictate at every step. Again in 1860, Dr. Maynard declared that the payment of a school tax was only satisfying a claim which the State had against every one, and all were equally entitled to a voice in the administration of the fund. At the same time he took exceptions to the views of Silas Totten, the second President of the State University, who in an address before the General Assembly had made some references to the scope of the common schools. If correctly interpreted the President conveyed the impression that the education planned by the educational institutions then forming in Iowa was not possible for the masses. On the contrary, there were certain limitations which would necessarily be established, beyond which the opportunities could not be given to all alike. Such views aroused the advocate of free schools and of equal chances, and in a rather pointed article he challenged the statement of the University President in relation to the common schools. The people demanded equal educational opportunities for all, he declared. Furthermore, the doctrine advocated in the address would never make the University popular among the people, he pointed out, and "if it is bold enough to assume such a position in its infancy, what may one expect from it when it is full grown?"¹⁶

¹⁶ *The Iowa Instructor*, Vol. I, pp. 15, 150, 183, 214, 215, 217, 247, 248, 305; *Proceedings of the Celebration of the Semi-Centennial of the Tipton Union School*, 1907, pp. 21, 22; Totten's *Address on University Education* (delivered in the Hall of Representatives, Des Moines, on February 6, 1860), p. 6.

ORAN FAVILLE

Two years before the Constitutional Convention of 1857, Mr. and Mrs. Oran Faville came to Iowa and settled on the prairies of Mitchell County. Both had been teachers in seminary and in college and such work had been abandoned only to regain lost health in the outdoor life of an Iowa farmer. But the culture and ability acquired through many years of private study and college associations, coupled with the refinement of such characters, were soon discovered. Mr. Faville was first called to serve in a county office; and when the new Constitution provided for the dual functions of Lieutenant Governor and President of the State Board of Education, to be exercised by one person, who could have been found better fitted for the task than Oran Faville? In the fall of 1857, therefore, he was elected Lieutenant Governor, and in December, 1858, he assumed his duties as chairman ex officio of the State Board of Education.

In 1857, during his canvass of the State previous to the election, he seems to have gained a noteworthy reputation and he was everywhere spoken of as a "gentleman of high moral worth and ability" as well as "a statesman of pure and lofty type". It was in this campaign that he made a marked impression upon the German voters in Dubuque County by addressing them in their own language. The next year, when the State Board of Education met for its first session, a local paper observed: "The Lieut. Governor seems in his element in an educational assemblage." In a brief address on that occasion he called attention to the one purpose of acting upon the educational questions confronting the Board and especially to the importance of the interests to be served. Since this was the first session the chairman emphasized the importance of the work. "As your action may form precedents for future meetings," he

declared, "due deliberation and caution should characterize your enactments.

"If too much legislation — and especially hasty legislation — are evils in ordinary civil affairs, they are doubly so in educational matters. Frequent changes will render the law so complicated that many will fail to acquaint themselves with its provisions, and hence will take little interest in its administration."¹⁷

On taking up the duties of Lieutenant Governor early in 1858 Mr. Faville said:

I enter upon the discharge of the duties assigned me, conscious of my deficiencies, but confident of your generous sympathy, and looking for aid from your legislative experience The present inaugurates a new era in the legislation of our State. You [the Senate] are called to the arduous task of adapting laws and measures to the changes contemplated by the new Constitution.

According to the constitutional and statutory provisions he presided over one session of the Senate and one of the Board of Education. He was in Mitchell County again in 1859 where it seems he had retained his residence during his term of office. Although not seeking political favor and declaring that "he never paid a dollar to secure a nomination to any office", he was a formidable competitor of William B. Allison in the congressional convention held at West Union in 1862.

In 1863 Mr. Faville was again called into the service of the State as Acting Secretary of the State Board of Education in the absence of Secretary Thomas H. Benton, Jr., and in that relation he submitted a part of the joint report at the close of the biennial period. Late in 1863, on the resignation of Mr. Benton, Governor Kirkwood appointed him to

¹⁷ *The Iowa School Journal*, Vol. XIV, No. 4, pp. 157-159; *The Iowa Weekly Citizen* (Des Moines), October 7, 1857, December 8, 1858; *Journal of the Board of Education of the State of Iowa* (First Session), 1858, p. 3.

the office of Secretary of the Board. In March, 1864, Mr. Faville was elected by the joint convention of the two houses to the newly restored office of Superintendent of Public Instruction. And finally, he was regularly elected by the people in 1865 for the two-year term. Owing to ill health, however, he was compelled to resign in March, 1867, so that his entire service as Secretary and as Superintendent covered only a period of four years. He was succeeded in 1867 by D. Franklin Wells, an appointee of Governor Stone.

The public service of Mr. Faville in Iowa was concluded within a period of ten years. After a journey in quest of health he returned in 1868 greatly improved and retired to private life in the town of Waverly. Here he sawed his own wood, made his own fires, and enjoyed "the glorious privilege of being independent". When he left his office and the editorship of the *Iowa School Journal* in 1867 he had said:

I shall continue to feel solicitous for the welfare of our Public Schools, and shall not be able easily to throw off the responsibility I have so long felt for their prosperity.

With my best wishes for them and for the people of Iowa who have repeatedly manifested their confidence in me, I retire to the freedom of private life.¹⁸

Only five years more, however, remained to him, and there was no further effort on his part to engage in educational work. He died in 1872.

JAMES L. ENOS

In 1849, James L. Enos was publishing the *Northwestern Educator* in Chicago. By 1851 he was editing the *Progressive Era*, the first paper published in Cedar Rapids. It is

¹⁸ *Journal of the Senate*, 1858, p. 55, 1864, pp. 532, 537; *The Iowa School Journal*, Vol. IX, p. 125, Vol. XIV, p. 158; *Report of the Secretary of the State Board of Education*, p. 3, in the *Iowa Legislative Documents*, 1864, Vol. I; *The Iowa Instructor and School Journal*, Vol. VIII, pp. 161, 162, 184; *Laws of Iowa*, 1864, pp. 53-56.

assumed that he continued to edit this paper until 1854, when he purchased the office and equipment to establish the *Cedar Valley Times*. Two years later — in 1856 — he began the publication of the *Cedar Valley Farmer*, a monthly journal devoted, as its name implies, to the interests of agriculture, not only in the Cedar Valley but throughout that part of the State which had already become a fruitful field for such a journal. These editorial ventures, however, seem to have been abandoned, or at least the attention devoted to them was divided for in January, 1857, Mr. Enos began the publication of a new journal — *The Voice of Iowa*.

This was not the first educational publication in Iowa — the *Iowa Journal of Education*, published in Dubuque, having preceded it by about four years — but it probably commanded a wider field under the patronage of the State Teachers' Association. His former connection with educational journalism was doubtless an advantage to Mr. Enos who had an opportunity to disseminate his views on the situation in this Commonwealth through *The Voice of Iowa*. It was a real opportunity, for the first number was issued in January, 1857, just before the convention to revise the Constitution was assembled. For this reason the provisions relative to the school system which should be incorporated in that document offered an attractive subject for discussion and elaboration. In addition, the journal was designed to provide a means of communication among the members of the two State organizations — the State Teachers' Association and the Iowa Phonetic Association — which were pledged to support it.

The editor, however, believed that the magazine should occupy a larger field than Iowa; indeed, it should serve as the *voice* of the State "to let Iowa be known as she is to all who trace the pages of our work". Primarily, however, the

periodical was to spread information relative to the progress of education and the establishment of free schools. Along with this announcement the editor made special mention of his purpose to include articles of local historical value, a feature which he hoped would be heartily supported by "the organization of a 'STATE HISTORICAL SOCIETY' " then — January, 1857 — in process of organization. That department of the journal, the editor asserted, "will be new, and we trust valuable." Furthermore, *The Voice of Iowa* was intended to reach a wide constituency, for it would appeal to all classes, all professions, and all interests.

When the call came in 1857 for a national convention to organize a National Teachers' Association Mr. Enos said: "We have our doubts in regard to the practicability of such an Association as is proposed." In his opinion all of the so-called "national" organizations were confined to the "Atlantic slope", and "*down east*" was considered as the real nation. But the time had come when any movement to be truly national must include the Mississippi Valley which was destined to become a real and vital part of the Union. Although the convention had already been called at Philadelphia the Iowa editor suggested that Cincinnati would be much more central. In spite of these criticisms he urged his fellow educators to go "*once more*" to Philadelphia and to support this new organization.

On August 26, 1857, the delegates from the several States assembled in Philadelphia. The very first act of the convention was the nomination and election of James L. Enos of Cedar Rapids, Iowa, as temporary chairman. It would be interesting to know whether or not William Roberts of Pennsylvania who had nominated Mr. Enos had known of the views of the Iowa man before his arrival at the convention. At all events, it put Mr. Enos in a position where he could no longer say that the Mississippi Valley was unrepres-

sented: as the presiding officer at this preliminary meeting he not only appointed the committee which drew up the first constitution but he also signed the proceedings. Moreover the "counsellors" or board of directors of which he was a member located the meeting for 1858 at Cincinnati. Thus far the West had not been neglected; and it was further recognized when, in formulating the program for the regular session in 1858, it was decided to have six lectures — two from the South, two from the West, one from the Middle West, and one from the East.

At the permanent organization of the Iowa State Teachers' Association in June, 1856, Mr. Enos was made president and D. Franklin Wells was the secretary. At the next session, held in October of the same year, the offices of these two men had been reversed. At this time the teachers' institutes were voluntary meetings which included often more "friends of education" than those actually engaged in instruction. In any case those who were responsible for their management summoned whomsoever they would to conduct the lectures or exercises. Among those most frequently called was Mr. Enos who had been endorsed for such work by the State Association, and he did not cease to respond to such invitations until 1868. Although *The Voice of Iowa* was discontinued after the third number of the third volume — November, 1858 — Mr. Enos continued his editorial work on some of the other newspapers with which he was connected until 1869. The contributions of the educational journal were permanent and valuable: had not Mr. Enos and his associates preserved the data contained therein many important details relative to the educational problems of the day would be entirely unavailable.¹⁹

¹⁹ *History of Linn County, Iowa* (1878), p. 449; Brewer and Wick's *History of Linn County, Iowa*, pp. 107, 113; *The Voice of Iowa*, Vol. I, pp. 1, 2, Vol. II, pp. 30, 120-126; Aurner's *History of Education in Iowa*, Vol. II, p. 402; *The Iowa School Journal*, Vol. X, p. 59.

ABRAHAM S. KISSELL

Abraham S. Kissell first appeared in Iowa in 1856 as the head of the grammar school in Davenport. In 1858, the districts of the city having been united under the new statute relating to a system of public instruction, Mr. Kissell was placed in charge of all the schools in Davenport. In that position, it seems, he carried out in practice what he had desired to see established by law, namely, the office of city superintendent. Without doubt he was responsible for the petition requesting the creation of such an office, which was presented to the State Board of Education by the "Superintendent of Common Schools for Scott county" on December 11, 1858. A city or town superintendent was not mentioned, however, by the Committee on Revision to which that petition was referred. The nearest approach to such an office was the provision to permit districts—that is townships—to select a person who might have supervision over graded or union schools, a principal teacher, in a township school. It is noticeable, however, that the act which conferred certain special powers on cities and towns endowed the town district board with the "same general powers, duties and obligations" as the board of the township district. And possibly in this similarity of powers one might find early authority for the employment of a supervisor as distinct from a principal teacher.

At all events supervisory authority was granted to Mr. Kissell and out of the union of the district schools of Davenport there developed a school of higher grade and eventually a course of study leading from the primary to a fully organized four-year high school. In connection with the city supervision Mr. Kissell served also as county superintendent, and he was among the most active in the convention of county superintendents which was called at Iowa City in September, 1858, to consider the new school law. In that

convention he was the chairman of the committee "On Branches Taught" which made a clear-cut report on a graded scheme beginning with the sub-district schools, through the higher grades to be established in town and township districts, and finally closing with the county high schools. Furthermore, the branches which would "meet the immediate educational wants of the community in which such schools are located" were recommended. At the same time the committee believed that it would be well to select such branches as could be "continued and augmented" until the courses offered in county high schools should become equivalent to the "best colleges of the land".

In the development of the Davenport schools, the teachers' training or normal class came to be a feature which in the early sixties attracted wide attention. Perhaps the absence of any State control over the training of teachers, except the small number in attendance upon the normal department of the University, was the reason for this local institution. In any event, it was destined to become permanent and to form the model upon which others undertook to found similar departments in the first public high schools. Indeed it was of more than local interest and persons from other States sought to learn of the methods pursued therein. The purposes of the originator of such an institution are reflected in his reports while serving a decade later as State Superintendent of Public Instruction.

At the death of D. Franklin Wells in 1868, Mr. Kissell was appointed State Superintendent of Public Instruction by Governor Merrill. In 1870 he delivered an address before the Teachers' Association at its annual session held in Waterloo, on "School Legislation in Iowa: Past, Present, and Future". Since he had been familiar with the entire history of legislative action on education since the enactment of the fundamental law in 1858 he could speak with some

authority. His last report as State Superintendent, submitted at the close of his second term in 1872, is among the most scholarly documents submitted from that office. It has often been quoted as an authority on the place of the normal school in an educational system, as summarizing the advantages to be gained in the adoption of the district township, and as reviewing the principles that should govern in moral and religious instruction. He used the occasion to set forth his ideal of institutional and objective teaching which had been demonstrated in the Davenport training school under his management; he pointed out the influences and accomplishments of the State Teachers' Association with which he had been connected for twelve out of the fifteen years of its organization; and he suggested changes to be made in simplifying textbooks and amendments to the school laws in force.²⁰

LEONARD F. PARKER

About 1856 Leonard F. Parker became principal of "Grinnell University", then operating as an elementary school. Later this became the foundation for Iowa College which was transferred there in 1859. When the office of county superintendent was first created by the law of 1858, it was quite a common practice, as pointed out above, for the principal of the town school to be elected to that office also. Mr. Parker was also called upon to organize the new office and assist in carrying into effect the changes in organization which it required. He described the period during

²⁰ *Journal of the Board of Education of the State of Iowa* (First Session), 1858, pp. 17, 74, 75; *Acts, Resolutions and Forms, Board of Education* (First Session), 1858, pp. 15, 16, 34; *Downer's History of Davenport and Scott County*, Vol. I, p. 932; *The Iowa Instructor and School Journal*, Vol. VI, pp. 8, 9; *The Voice of Iowa*, Vol. III, pp. 49-51; *Aurner's History of Education in Iowa*, Vol. I, pp. 307-309, 402, Vol. II, pp. 196, 214; *Report of the Superintendent of Public Instruction*, pp. 17-31, 33-49, 67-104, 139, in the *Iowa Legislative Documents*, 1872, Vol. I.

the four years from 1858 to 1862 as one which "tried the pluck and the pockets of the people of Iowa". The few schools of Poweshiek County were poorly housed and some were in buildings "thatched with turf." His visits among the few school patrons were made on Saturdays and in the vacations of the academy over which he presided. In addition to filling these two offices he also served as a member of the Board of Trustees of the State University during the same period — 1858-1862 — and in 1859 as chairman of the committee he submitted the requirements for entrance examinations to be used when the Collegiate Department should be reopened in 1860.

Ten years after his first election to the county superintendency, and after he had served in the Twelfth General Assembly, Mr. Parker was again chosen for the same county office. Otherwise there would probably have been no published account of the events occurring in 1858, for his second election led him to review the situation as he recalled it a decade before. As chairman of the House Committee on Schools in 1868 he had supported with considerable force a bill to establish a State normal school. It was at this time also that the institution for the deaf was permanently located at Council Bluffs, and Mr. Parker was among the members of a special committee from the General Assembly which examined and approved the site.

Although he was not identified with the State Teachers' Association until its session held in Grinnell in 1863, Mr. Parker was active in the State convention of county superintendents called at Iowa City in 1858. On that occasion he presented the resolution requesting the committee on the school law to "receive and arrange all questions" that they might present them to the Superintendent of Public Instruction for a decision before the convention met. After these queries had been passed upon by the State Superin-

tendent Mr. Parker suggested that the law be so amended as to permit institutes or teachers' classes to be formed in each county. The convention favored this plan, but it was not written into the law until the General Assembly in 1860 amended the act of the Board of Education approved on December 24, 1858. In 1863 Mr. Parker had directed the arrangements for the reception and entertainment of the State Teachers' Association at Grinnell and was elected vice president. He became the president in 1866, the chairman at the first session of the college section of the association in 1871, and in 1872 he was put at the head of a committee to prepare a "History of Education in Iowa"—a task to be fully completed, it was thought, previous to the session of 1873. He was the only one of the committee, however, who continued to collect material until properly discharged by the Association in 1876, when it was recommended that the data in his possession be placed in the hands of the librarian of the State University.²¹

It will be observed that these eleven men were quite closely associated throughout their educational campaigns; that in some instances their activities were so interwoven that they could not be well separated; and that their purposes were definitely set to bring about a permanent and worthy improvement in the educational legislation and the construction of a Commonwealth school system.

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²¹ *Report of the Superintendent of the Common Schools of Poweshiek County*, 1869, pp. 3, 4; *The Iowa Instructor and School Journal*, Vol. V, p. 9; *Journal of the House of Representatives*, 1868, pp. 738, 739; Aurner's *History of Education in Iowa*, Vol. II, pp. 166, 202, 216, 429, Vol. IV, pp. 25, 328, 329, Vol. VI (manuscript), Ch. IV; *The Voice of Iowa*, Vol. III, pp. 49, 72; *Educational Laws of Iowa*, 1860, p. 32.

THE OMAHA POOL

The building of the Union Pacific was the greatest railroad engineering feat of its time and the resulting enthusiasm throughout the country helped to encourage the rapid construction of all western roads, particularly those connecting Omaha with the East. The Chicago and Northwestern Railroad was completed in 1867,¹ in time to haul material for the completion of the Union Pacific, while the Chicago, Burlington, and Quincy² and the Chicago, Rock Island, and Pacific³ were both finished in 1869.

The completion of these three railroads to the Missouri River produced immediate competition, and raised the question of rates. The amount of traffic that the Union Pacific Railroad would carry during the succeeding years would produce an amount of revenue entirely insufficient to pay the cost of the connecting lines. The only hope for an adequate return lay in the building up of the country; and, until that time arrived, competition in rates would be suicidal.

As a result it became highly desirable to maintain rates so that the traffic carried would at least help to pay the expenses of the roads concerned. Rate wars meant disaster, and the roads preferred to secure a proportionate

¹ *The Commercial and Financial Chronicle* (New York), February 2, 1867, Vol. IV, p. 151; *Annual Report of the Board of Railroad Commissioners* (Iowa), 1879, p. 85; Cole's *A History of the People of Iowa*, p. 399.

² *Annual Report of the Board of Railroad Commissioners* (Iowa), 1878, p. 189; Lyle's *Official Railway Manual of the Railroads of North America for 1870-71*, p. 208.

³ Poor's *Manual of the Railroads of the United States, 1870-1871*, p. 1; *The Commercial and Financial Chronicle* (New York), July 3, 1869, Vol. IX, p. 6; Brigham's *Des Moines Together with a History of Polk County, Iowa*, Vol. I, p. 606.

share of the revenue rather than to run the risk of being forced to cut rates to a point where they would not even pay running expenses. To meet the situation, the three lines banded themselves together in what has been termed "The Omaha Pool"⁴, the first combination of its kind recorded in the United States.

Pools were a new thing to the country in 1870, but the way had been prepared for them by various types of agreements for the maintenance of rates. The chief difficulty with a simple rate agreement, from the standpoint of the railroads, was that competition still prevailed. The profit of each road depended on the amount of traffic carried, and in consequence secret rebates and discriminations of various kinds were common. These practices were encouraged by the well known fact that none of the roads were being used to capacity. Practically every one could carry a great deal more business at about the same cost and thus make more money at a lower rate, if by that rate it could attract business from other roads. The result was that rate agreements proved too idealistic to afford the railroads a solution of the rate maintenance problem.

The Omaha Pool was a verbal agreement which sought to remove the tendency toward rate cutting by removing its cause and making the return equal for each line regardless of the amount of traffic carried. All business between Chicago and Council Bluffs was to be pooled. Forty-five per cent of the passenger and fifty per cent of the freight income was to be retained to pay operating expenses, and the remainder was to be divided equally among the three roads. There was no machinery of enforcement except the opportunity given the officials to see each other's books; and the

⁴ *House Executive Documents*, 57th Congress, 1st Session, Vol. LXXXII, No. 380, p. 333; *Annual Report of the Board of Railroad Commissioners* (Iowa), 1878, pp. 48, 49; *Railroad Gazette* (New York), December 7, 1877, Vol. IX, pp. 542, 543; *Railway Age* (Chicago), January 19, 1882, Vol. VII, pp. 29, 30.

success of the arrangement depended for the most part on the good faith of the parties concerned.⁵

The immediate result of this agreement of 1870 was all that could be desired and rates were maintained effectively. Instead of the balancing of accounts which the plan called for, the tendency led rather to the gradual equalization of traffic. The eastern connections of the three lines adopted the practice of giving all the traffic for one week to one road, and then similarly to the other lines in succession.⁶ In most of the later pools one of the chief difficulties lay in apportioning the receipts, but quite accidentally the Omaha Pool was not bothered by this trouble. The three lines were of nearly equal strength, and the distance between Chicago and Council Bluffs was approximately the same by all the routes. The future troubles of the organization were caused for the most part by the entrance of new competitors into the field, by the competition of outside roads, and by the competition for local traffic.⁷

The original agreement was modified in 1874 by dividing the total west bound passenger revenue.⁸ This modification was made to increase the tendency toward an actual division of traffic. Three years later there was some fear that the agreement would break down because of the action of the Chicago, Burlington, and Quincy. At that time this road was building its Nebraska line under the name of the Burlington and Missouri River Railroad and in its desire to secure traffic insisted that the Union Pacific pro rate its Nebraska traffic. Naturally the request was refused, and it was feared for a time that the Chicago, Burlington, and Quincy would retaliate by withdrawing from the pool and

⁵ For the references for this paragraph see those noted under footnote 4.

⁶ *Railroad Gazette* (New York), December 7, 1877, Vol. IX, pp. 542, 543.

⁷ *Railroad Gazette* (New York), November 23, 1883, Vol. XV, p. 774.

⁸ *Railroad Gazette* (New York), December 7, 1877, Vol. IX, p. 543.

cutting rates, thus bringing pressure to bear on the Union Pacific, but instead the Chicago, Burlington, and Quincy withdrew its demand.⁹

A more serious disturbing element was the Wabash Railroad which completed its main line to Omaha in 1879¹⁰ and its Chicago extension the following year,¹¹ thus being in a position to compete for the Chicago-Omaha traffic, although its line was considerably longer than any of the others. After a futile attempt to keep the Wabash out of Chicago it was admitted to the pool in 1881 on a basis of equality, each road receiving twenty-five per cent of the revenue.¹²

As time went on the affairs of the pool continued to become more complicated. The original three roads had increased to four, with every prospect that the Chicago, Milwaukee, and St. Paul Railroad would enter the field in the near future. It was also becoming evident that the pool rates could not be considered as a distinct entity, but must be fixed in relation to rates elsewhere. Omaha, as a Missouri River point, had to have a rate comparable to other Missouri River rates, and this meant that consideration must be given to the rates charged by all roads to the Missouri River and also to the rates of their eastern connections. Moreover, the competition at local Iowa and Nebraska points was becoming increasingly severe and needed attention.

The first result of the increasing complexity of the affairs of the pool was a solidifying of the organization in 1882. The terms of the agreement were put into writing under the

⁹ *Railway Age* (Chicago), April 12, 1877, Vol. II, p. 863.

¹⁰ *Travelers' Official Guide* (Philadelphia), January, 1880, pp. 200-204; *Wyandotte County and Kansas City, Kansas* (Chicago, 1890), p. 229.

¹¹ *The Commercial and Financial Chronicle* (New York), August 14, 1880, Vol. XXXI, p. 171.

¹² *Railway Age* (Chicago), August 18, 1881, Vol. VI, p. 464; *Railroad Gazette* (New York), January 20, 1882, Vol. XIV, p. 39.

name of the Iowa Trunk Lines Association, and G. H. Daniels was appointed commissioner in permanent charge of the affairs of the association.¹³ A little later the pool was extended to include all points on the Nebraska connections — the Union Pacific, the Sioux City and Pacific, and the Burlington and Missouri River,¹⁴ while the rates to Council Bluffs and Omaha were made the same.¹⁵ This new agreement covered freight traffic only, but a separate passenger agreement for the same territory was drawn up subsequently.

After 1882 affairs began to move more rapidly. The Chicago, Milwaukee, and St. Paul Railroad was completed to Council Bluffs late in that year,¹⁶ and was admitted to the association, each road then getting twenty per cent.¹⁷ The same year the Missouri Pacific Railroad acquired and completed a branch to Omaha, thus making another connection between Chicago and Omaha.¹⁸ While this new line was not particularly effective it did, however, constitute a menace and in consequence had to be admitted to the pool. The resulting arrangement gave the Kansas City, St. Joe, and Council Bluffs Railroad three and one-half per cent of the total proceeds of the pool. Then the Missouri Pacific got ten per cent and each of the other five lines eighteen per cent of the remainder. All the California business of the Missouri Pacific was included to offset its inferiority of

¹³ *Railway Age* (Chicago), January 19, 1882, Vol. VII, pp. 29, 30.

¹⁴ *Railroad Gazette* (New York), June 2, 1882, Vol. XIV, p. 335.

¹⁵ *Railroad Gazette* (New York), August 4, 1882, Vol. XIV, p. 481.

¹⁶ *Travelers' Official Guide* (Philadelphia), June, 1883, pp. 230-238.

¹⁷ *Railway Age* (Chicago), September 14, 1882, Vol. VII, p. 507; *Railroad Gazette* (New York), September 22, 1882, Vol. XIV, p. 586.

¹⁸ *Wyandotte County and Kansas City, Kansas* (Chicago, 1890), p. 232; *The Commercial and Financial Chronicle* (New York), March 18, 1882, Vol. XXXIV, p. 316.

route.¹⁹ During the following year the Illinois Central was admitted, receiving seven per cent of the total pool, the remainder being divided according to the old percentages.²⁰ About the same time penalties were fixed for violating the agreed rates of the association.²¹

The trouble which finally terminated the pool occurred in 1883. The Chicago, Milwaukee, and St. Paul Railroad had been dissatisfied for some time with its position in the arrangement: it had been excluded from the passenger agreement, and the officials felt that their road deserved a larger percentage of the freight business. This railroad also felt mistreated because both the Chicago and Northwestern and the Chicago, Burlington, and Quincy carried all their business for their Nebraska branches in addition to their regular proportion of Omaha traffic. In consequence the Chicago, Milwaukee, and St. Paul had stirred up trouble by promising to work for lower rates for the Stock Growers' Association if this organization in return would route its cattle over the Chicago, Milwaukee, and St. Paul. This action increased the receipts of the road and thus created a large balance to be divided among the other roads. When the Chicago, Burlington, and Quincy presented a draft for her share of the proceeds the Chicago, Milwaukee, and St. Paul refused to honor it, claiming that it was impossible to change the routing of cattle, and that the very fact that there was such a great difference in the amounts of such traffic carried showed that the pool was an impossibility and already dead. An effort at compromise failed. The Chicago, Milwaukee, and St. Paul was finally forced to pay

¹⁹ *Railroad Gazette* (New York), November 10, 1882, Vol. XIV, p. 695; *Railway Age* (Chicago), November 9, 1882, Vol. VII, p. 622.

²⁰ *Railway Age* (Chicago), April 12, 1883, Vol. VIII, p. 206; April 19, 1883, Vol. VIII, p. 213; and April 26, 1883, Vol. VIII, p. 227; *Railroad Gazette* (New York), April 13, 1883, Vol. XV, p. 229.

²¹ *Railroad Gazette* (New York), May 25, 1883, Vol. XV, p. 337.

over the balance, but it was found impossible to adjust the other points and the pool was allowed to expire by limitation on December 31, 1883.²²

Even before the Iowa Trunk Lines Association had expired, steps were taken to make a new agreement to maintain rates. The Union Pacific, in particular, was interested in some sort of a definite agreement because it was dependent on its eastern connections for practically all of its west bound business. For this reason it was the primary mover in the formation of the "Tripartite Agreement" between the Union Pacific, the Chicago, Milwaukee, and St. Paul, and the Chicago, Rock Island, and Pacific. The Iowa roads were to be equal in everything and were to make all west bound rates, while the Union Pacific was to make all east bound rates. The division of the proceeds, omitting minor details, was as follows: on all traffic to points on the Union Pacific within two hundred and thirty miles of Omaha the Union Pacific was to receive forty per cent and the Iowa roads sixty per cent; on traffic from the same points to Chicago the Union Pacific received forty-seven per cent and the Iowa roads fifty-three per cent; traffic to or from points west of two hundred and thirty miles west of Omaha was to be pro rated according to mileage, the distance from Omaha to the Mississippi River being considered two hundred and forty miles and to Chicago five hundred miles. In this last case, however, the mileage of the Union Pacific was to be counted at one and one-half times the real mileage. The Union Pacific had the best of the agreement since it had the only line that led directly west from Omaha.²³

²² *Railroad Gazette* (New York), November 23, 30, December 7, 1883, Vol. XV, pp. 774, 781, 788, 799, 810, 811; *Railway Age* (Chicago), November 22, 29, December 6, 1883, Vol. VIII, pp. 739, 754, 769.

²³ *Railroad Gazette* (New York), December 28, 1883, Vol. XV, p. 857, January 4, 1884, Vol. XVI, p. 13; *Railway Age* (Chicago), May 21, 1885, Vol. X, p. 322.

The formation of the Tripartite Agreement presaged the formation of the larger Western Trunk Line Association which was created on similar principles and included the members and territory of the old Iowa Trunk Lines Association, the Colorado Traffic Association, and the "Eight Point Nebraska Pool". The policy followed was that of the Tripartite Agreement. The only important road not included was the Chicago, Burlington, and Quincy which refused to accept the percentage of the business awarded it unless the Union Pacific divided the Nebraska business with its western branches. Other roads such as the St. Louis and San Francisco, the Santa Fe, and the Chicago and Alton entered some of the competitive fields — Nebraska, Colorado, and Utah, but avoided trouble by coöperating with the pool.²⁴

The new association got into difficulties before it was well launched. Early in March, 1884, the St. Louis and San Francisco Railroad attempted to get more business by cutting rates to Colorado, Utah, and New Mexico. Commissioner E. P. Vining met the cut by lowering the rates of the Association to such a point that it would have been necessary for the St. Louis and San Francisco to have operated at a loss in order to meet them. Instead of ending the trouble, however, this action only extended it, for the Santa Fe immediately supported the St. Louis and San Francisco, while the Chicago, Burlington, and Quincy and the Chicago and Alton met the cut.²⁵ In an effort to meet this exigency, at least in part, the Union Pacific²⁶ compromised its long standing disagreement with the Chicago, Burlington, and

²⁴ *Railroad Gazette* (New York), January 4, February 1, 1884, Vol. XVI, pp. 16, 996; *Railway Age* (Chicago), January 3, February 7, 1884, Vol. IX, pp. 2, 15, 86.

²⁵ *Railway Age* (Chicago), March 6, 20, 1884, Vol. IX, pp. 149, 179, 180.

²⁶ *Railroad Gazette* (New York), April 18, 1884, Vol. XVI, p. 308; *Railway Age* (Chicago), May 1, 1884, Vol. IX, p. 277.

Quincy and turned over to it a part of the Nebraska traffic. While this action helped clear the air, it did not end the trouble, which continued unabated throughout the summer.

A series of conferences was held during the fall in an attempt to effect some sort of compromise and to bring about an agreement which would include all the lines entering the various fields of competition. The principal obstacle was the refusal of the members of the Tripartite Agreement to accept any solution not founded upon that document, while at the same time the Santa Fe refused to enter any association as long as the Tripartite Agreement remained.²⁷ The Santa Fe finally receded from its position and the Tripartite Agreement remained, although succeeding developments took away a great deal of its significance.

The final arrangement provided for a subdivision of the organization into three pools: (1) all business originating east of the Missouri River, with J. W. Midgley of the Southwestern Traffic Association as the head; (2) Utah business from Ogden and Salt Lake City with G. H. Daniels as the head; and (3) business from Colorado points with G. H. Daniels also in charge.²⁸

This arrangement was no sooner made than it collapsed because of a misunderstanding with the Chicago and Northwestern Railroad over the traffic to be included.²⁹ Arbitrators decided against the contention of the Northwestern early in 1885,³⁰ but that line refused to accept the decision,

²⁷ *Railroad Gazette* (New York), August 15, September 19, 26, 1884, Vol. XVI, pp. 611, 691, 706; *Railway Age* (Chicago), September 18, 1884, Vol. IX, p. 585.

²⁸ *Railway Age* (Chicago), October 2, 9, 1884, Vol. IX, pp. 612, 613, 625; *Railroad Gazette* (New York), October 3, 17, 1884, Vol. XVI, pp. 725, 726, 757.

²⁹ *Railroad Gazette* (New York), October 24, 1884, Vol. XVI, p. 777; *Railway Age* (Chicago), March 26, 1885, Vol. X, p. 195.

³⁰ *Railway Age* (Chicago), April 9, 1885, Vol. X, p. 227; *Railroad Gazette* (New York), April 10, 1885, Vol. XVII, p. 238.

and in consequence the Association again became disorganized.³¹

A new organization formed in May, 1885, under the name "The Western Freight Association" felt sufficiently strong to exclude the Chicago and Northwestern. J. N. Faithorn, an assistant of J. W. Midgley, was made commissioner. The new organization was subdivided into six pools: (1) all freight moved either way from points east of the Mississippi River between Minneapolis and St. Louis to Omaha locally; (2) all freight to and from points on the Union Pacific east of and including Julesburg Junction; (3) all freight from east of the Missouri River between Dubuque and St. Louis that was delivered to the Union Pacific-Burlington and Missouri River Pool, the Chicago, Burlington, and Quincy waiving its right to carry all Burlington and Missouri River business in addition to its share of Omaha business; (4) all business carried by lines east of the Missouri River destined for the Union Pacific-Sioux City, Pacific-Fremont, Elkhorn, and Missouri Valley pools; (5) all business in either direction between points from Dubuque to St. Louis on the Mississippi River to points west of Julesburg on the Union Pacific; (6) all Nebraska cattle business.³²

This division of the pool, like those of the preceding ones, really produced a zone arrangement. The principal advantage of such a division was the aid it gave in determining the percentage of traffic to be allotted to each road. This percentage was either settled by the general meeting which organized the pool or by arbitration, and depended roughly on the supposed amount of business that each road would

³¹ *Railroad Gazette* (New York), April 24, May 1, 1885, Vol. XVII, pp. 270, 286; *Railway Age* (Chicago), April 30, 1885, Vol. X, p. 275.

³² *Railway Age* (Chicago), May 14, 21, 28, 1885, Vol. X, pp. 307, 322, 324, 343; *Railroad Gazette* (New York), May 15, 22, 1885, Vol. XVII, pp. 318, 335.

get under normal conditions with equal rates. When two or more roads combined in one haul, the return to each one was based on a comparative mileage. The traffic was to be diverted as much as possible according to the percentages determined upon, and the balances were to be paid monthly.³³

This agreement worked with a fair degree of success for about a year. The main difficulties were outside competition at some of the points, and a feeling of resentment by some of the lines with western branches, because of an alleged undervaluation of their work. Matters came to a head in June, 1886, at which time several of the roads refused to continue to report and a short rate war followed.³⁴ The most comprehensive remedy proposed was to expand the pool to take in all western traffic, but this plan failed because of the opposition of the Illinois Central,³⁵ and in July, 1886, the old Western Freight Association was revived temporarily and rates restored.³⁶

A new agreement was formulated in September, again widening the territory of the Association, and dividing it somewhat differently. With minor modifications, the pools included all traffic to or from points on the Mississippi River between Minneapolis and New Orleans, or originating between the Mississippi and Missouri rivers to the following places: (1) Omaha locally; (2) points east of Julesburg on the Union Pacific except points pooled by the Union Pacific with other lines; (3) points pooled by the Union Pacific and the Burlington and Missouri River; (4) points

³³ See references under footnote 32.

³⁴ *Railroad Gazette* (New York), June 25, 1886, Vol. XVIII, p. 452; *Railway Age* (Chicago), July 15, 1886, Vol. XI, p. 382.

³⁵ *Railroad Gazette* (New York), July 16, 1886, Vol. XVIII, pp. 494, 500.

³⁶ *Railway Age* (Chicago), July 22, 1886, Vol. XI, p. 398; *Railroad Gazette* (New York), July 23, 1886, Vol. XVIII, p. 516.

pooled by the Union Pacific, Sioux City and Pacific, and Fremont, Elkhorn, and Missouri Valley; (5) points on the Union Pacific west of Julesburg; (6) Lincoln. A separate pool covered all cattle coming from west of Laramie City and Douglass.³⁷

This new pool, like the preceding one, somewhat expanded the territory of the Association. Its downfall did not come from the inside, as heretofore, but was created by factors over which it had no control. The Interstate Commerce Act of 1887 prohibited pooling, and caused a radical readjustment of conditions. The Western Traffic Association was kept alive temporarily until the exact meaning of the act could be ascertained. The carrying into effect of the anti-pooling clause naturally meant the destruction of the Association as it was then constituted and a violent rate war followed in 1888.³⁸

All the other pools were in the same situation and they all assembled in joint session early in 1889 to try to find some solution. Two factors were uppermost: in the first place it had become evident that there must be unity of action between all of the western roads if any rate schedule was to remain permanent; in the second place it was necessary to make the organization as effective as possible and at the same time stay inside the anti-pooling clause of the Interstate Commerce Act.

The practical solution of the above problem was found in the Interstate Commerce Railway Association, an organization which included all the western roads, and provided for a distribution of traffic rather than a money pool. The effectiveness of the organization was to be secured by its subdivision into three groups with local autonomy. Two of

³⁷ *Railway Age* (Chicago), September 16, 23, 1886, Vol. XI, pp. 509, 523.

³⁸ *House Executive Documents*, 57th Congress, 1st Session, Vol. LXXXII, No. 380, p. 336.

these groups — the Southwestern Traffic Association and the Western Freight Association, had been in operation previously and their territory remained practically the same. The third group was known as the Trans-Missouri Freight Association and included all the territory west of the Missouri River, with control over east bound rates. It was decided to distribute the traffic, presumably in order to avoid the legal prohibition against pooling.³⁹

This latest arrangement did not prove entirely successful and had practically broken down within a year.⁴⁰ In the meantime the Sherman Anti-Trust Act had been passed to prevent monopoly, and while it was not certain that it included railroads, its provisions had to be considered in making any new arrangement. The organization that was finally created, the Western Traffic Association, followed very closely the plans of its predecessor except that the powers were left more vague. It provided that "the Commissioner shall adopt such measures as will tend to secure uniform, stable and reasonable rates, prevent unjust discrimination, and enable each line to carry its fair share of the competitive traffic".⁴¹ Before the year was over it was demonstrated that such powers⁴² were not effective.

Even the idea of a rate agreement with penalties for vio-

³⁹ *House Executive Documents*, 57th Congress, 1st Session, Vol. LXXXII, No. 380, p. 336; *Railroad Gazette* (New York), January 11, 18, March 22, 1889, Vol. XXI, pp. 23, 40, 41, 188. The Western Freight Association, formed late in 1888, included the old Northwestern, Western, and Southwestern groups.

⁴⁰ *Railroad Gazette* (New York), June 21, November 22, 1889, Vol. XXI, pp. 413, 780, February 14, 1890, Vol. XXII, p. 120; *House Executive Documents*, 57th Congress, 1st Session, Vol. LXXXII, No. 380, p. 336.

⁴¹ *Railroad Gazette* (New York), January 23, February 20, 1891, Vol. XXIII, pp. 54, 122; *House Executive Documents*, 57th Congress, 1st Session, Vol. LXXXII, No. 380, p. 336. It included additional transcontinental and passenger divisions.

⁴² *Railroad Gazette* (New York), April 24, May 22, 1891, Vol. XXIII, pp. 278, 346, September 23, 1892, Vol. XXIV, p. 716.

lations, and a division of traffic seemed to the Federal officers to be more than the law allowed. On January 6, 1892, suit was brought against the Trans-Missouri Freight Association on the grounds that it violated the Interstate Commerce Act and the Sherman Anti-Trust Act. The Association won its case in the Circuit Court and in the Circuit Court of Appeals but lost in the Supreme Court and was ordered to dissolve. This decision did not affect the organization against which it was aimed because the organization was already practically non-existent. The important result was the implied disapproval of any type of effective rate agreements and of any sort of money or traffic pool.⁴³

The Trans-Missouri Freight Association decision effectively put an end to the pooling arrangements which had been in use since 1870. After 1897 the organization continued to function under various names, but the pooling arrangements ceased to exist, at least publicly.

An organization such as the Omaha Pool shows the original grouping of a small number of entities for mutual protection and advantage, and then the gradual increase of that number, the expansion of its territory, and the meeting of the problems occasioned by the increasing complexity of the organization and by the contact with outside forces. After the arrival of national control in the late eighties the study loses its interest as the effort of free individuals to work together and becomes a battle of wits between the government and the railroads.

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⁴³ A history of this case as well as the history of the organization is given in the summary of the Supreme Court proceedings, 166 U. S. 290.

SOME PUBLICATIONS

Tall Corn and the Social "Uplift", by T. J. Edmonds, is an article of interest to Iowans in *The Survey* for June 15, 1924.

The July number of *The Journal of Negro History* contains a monograph by A. A. Taylor entitled *The Negro in South Carolina during Reconstruction*.

A Tewa Craftsman—*Leslie Agayo*, by Barbara Aitken, *The True Fiesta*, and *Annual Taos Exhibit* are three papers in *El Palacio* for September 1, 1924.

A third installment of *Old Ships and Ship-building Days of Medford*, by Hall Gleason, is found in the June issue of *The Medford Historical Register*.

The Conscientious Objector in America, by Norman Thomas, has recently been published by B. W. Huebsch. The introduction is by Robert M. La Follette.

Frederick Law Olmsted: A Critic of the Old South, by Broadus Mitchell, has been published as a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

Reptile Lore of the Northern Indians, by Frank G. Speck, is one of the articles in *The Journal of American Folk-Lore* for July-September, 1923.

The Horse and the Dog in Hidatsa Culture, a monograph by Gilbert L. Wilson, has been published as a recent number of the *Anthropological Papers of the American Museum of Natural History*.

The July number of *The Annals of the American Academy of Political and Social Science* is devoted to *America and the Post-War European Situation*. A supplement contains a monograph on *The Organization and the Work of the League of Nations*, by George F. Kohn.

The July issue of *The Historical Collections of the Essex Institute* contains additional installments of *Salem Vessels and Their Voyages*, by George Granville Putnam, *The Alabama-Kearsarge Battle*, by William M. Robinson, Jr., and *Blockade Running During the Civil War*, by Francis B. C. Bradlee.

The July number of *Americana* contains the following articles: *A Great American General and His Unjustifiable Humiliation*, by Charles A. Ingraham; *The Whisky Insurrection*, by Charles A. Shriner; *The American Slave Trade*, by Mrs. H. R. Finley; *A Study in American Sectionalism*, by Charles W. Super; *A Petition of Paul Revere*, by Mabel A. Clift; *A Sketch of the Relations of New York with the Five Nations*, by Joel N. Eno; and a continuation of *Highland Scottish Clans*, also by Joel N. Eno.

Smith College Studies in History for April-July, 1923, contains *Letters of Francis Parkman to Pierre Margry*, with an introduction by John Spencer Bassett. These letters are in French and the originals are preserved in the Margry Manuscripts in the Bibliothèque Nationale. Margry's replies — which are not included — are in the possession of the Massachusetts Historical Society. The number for October, 1923-January, 1924, contains *German Schemes of Colonization Before 1860*, by Marcus L. Hansen.

Pleasant Mills, Sweetwater, by Carmita de Solms Jones, *A Story of 1776*, by Frank H. Sweet, *Spanish Missions in California, 1769-1834*, *Views and Prints of Old New York*, by W. H. Wallace, and *A History of Banks and Banking and of Banks and Banking in the City of New York*, by W. Harrison Bayles and Frank Allaben, are some of the articles in *The Journal of American History* for April-June, 1923. The issue for July-September, 1923, contains, among others, the following articles and papers: *A Boy Soldier of the Revolution*, by Frank H. Sweet; *My Journey Out West*, by E. L. Peckham; *The Second Bank of the United States* — a continuation of the series on banking by W. Harrison Bayles and Frank Allaben; and another installment of *Frontier Life in Southwest Kansas*, by Robert M. Wright.

WESTERN AMERICANA

The June number of *The Northwestern Banker* contains a number of articles dealing with the resources of Iowa.

The Platte Purchase, by Dorothy Neuhoff, has been reprinted from Volume XI of the *Washington University Studies*. It relates to the acquisition of the triangular tract of land in northwestern Missouri.

The April number of *The Wisconsin Archeologist* contains *The Minocqua Lake Region*, by Vetat Winn, and *Additional Notes on Vilas and Oneida Counties*, by Charles R. Brown.

A monograph by Robert Royal Russel on *Economic Aspects of Southern Sectionalism, 1840-1861*, has been published in two parts in the March and June numbers of the *University of Illinois Studies in the Social Sciences*.

A Military Campaign, by H. Warren Phelps, *Early Lamoni*, a collection of historical sketches, *The Organization of the Church*, *The Regions Round About Jackson County and Missouri*, by Samuel A. Burgess, *The University of Nauvoo*, and a continuation of *John J. Cornish, An Autobiography*, are some of the contributions to the *Journal of History* for July.

IOWANA

In Pioneer Days, from the autobiography of Albert Haws, is one of the articles in the August issue of *Autumn Leaves*.

S. C. Hinkhouse has recently published a brochure entitled *Sugar Creek Township, Cedar County, Iowa*.

His Majesty, Chief Waubonsie, an address by Earl R. Ferguson, has just been issued as a separate pamphlet.

Thomas Tobin—"Founder of Iowa Colleges", by H. M. Pratt, is one of the historical contributions to *The Iowa Magazine* for July 17, 1924.

The *Annals of Iowa* for October, 1923, contains three articles as follows: *The Coalport Home Guards*, by Charles J. Fulton; *A De-*

railment on the Railway Invisible, by Christian S. Byrkit; and a continuation of *Iowa Political Conventions and Platforms*, by David C. Mott. *The Constitution of Iowa in Facsimile*, by Edgar R. Harlan, and *A Visit to the American Cemeteries in Europe*, by Martha A. Watson, are the two contributions in the number for January, 1924.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Breckenridge, M. S., (Joint author)

Motor Bus Competition with Established Carriers (Iowa Law Bulletin, May, 1924).

Brown, Bernice,

Beautiful and Dumb (Ladies' Home Journal, June, 1924).

Brown, Charles Reynolds,

Such as I Have (World's Work, June, 1924).

What Is Your Name? New Haven: Yale University Press. 1924.

Brueckner, Leo J., (Joint author)

Effect of the Summer Vacation on the Reading Ability of First-grade Children (Elementary School Journal, May, 1924).

Butler, Ellis Parker,

Mighty Tight Money (The Iowa Magazine, August 28, 1924).

Catt, Carrie Chapman,

Money in Politics (Woman Citizen, May 3, 1924).

Poison Propaganda (Woman Citizen, May 31, 1924).

Charlton, Clyde B.,

Navigability of Streams Meandered in the Original Government Survey (Iowa Law Bulletin, May, 1924).

Dondore, Dorothy,

Points of Contact Between History and Literature in the Mississippi Valley (The Mississippi Valley Historical Review, September, 1924).

Faville, S. S.,

Rights and Remedies of a Tenant Where the Landlord Fails to Make Repairs (Iowa Law Bulletin, May, 1924).

Garland, Hamlin,

Limitations of Authorship in America (The Bookman, May, 1924).

Grahame, Orville Francis,

When Steamboats Loomed Large in Iowa (The Iowa Magazine, August 28, 1924).

Hansen, Marcus Lee,

German Schemes of Colonization Before 1860 (Smith College Studies in History, October, 1923-January, 1924).

Harlan, Edgar R.,

The Constitution of Iowa in Facsimile (Annals of Iowa, January, 1924).

Haynes, Fred E.,

Third-Party Backgrounds (The Independent, August 2, 1924).

Hicks, Frank D.,

The University of Iowa To Be (The Iowa Alumnus, July 1, 1924).

Hilliard, George Horatio,

Probable Types of Difficulties Underlying Low Scores in Comprehension Tests. Iowa City: The State University of Iowa. 1924.

Hornaday, William Temple,

Elephant in Jungle, Zoo, and Circus (Mentor, June, 1924).

Hough, Emerson,

Tall Men (The Saturday Evening Post, June 7, 1924).

Hughes, Rupert,

The Golden Ladder. New York: Harper & Brothers. 1924.

Hunt, C. C.,

The Holy Saints John (Miscellany of the Iowa Masonic Library, No. 12).

Hutchinson, Woods,

Defense of Fat Men (The Saturday Evening Post, June 7, 1924).

Ibershoff, C. H.,

A French Source of Bodmer's Noah (Philological Quarterly, July, 1924).

Ingram, W. S., (Joint author)

Motor Bus Competition With Established Carriers (Iowa Law Bulletin, May, 1924).

Kendrick, W. R. C.,

Iowa as an Insurance Center (The Northwestern Banker, July, 1924).

LeCron, Helen Cowles, (Joint author)

Bettina's Cakes and Cookies. New York: A. L. Burt & Co. 1924.

Merriam, Charles E., (Joint author)

Non-Voting — Causes and Methods of Control. Chicago: University of Chicago. 1924.

The Significance of Psychology for the Study of Politics (The American Political Science Review, August, 1924).

Mott, David C.,

Iowa Political Conventions and Platforms (Annals of Iowa, October, 1923).

Nesbit, Wilbur D.,

Saint John the Evangelist and Saint John the Baptist (Miscellany of the Iowa Masonic Library, No. 12).

Newton, Joseph Fort,

Best Sermons: 1924. New York: Harcourt, Brace & Co. 1924.

Quaife, Milo Milton,

The Northwestern Career of Jefferson Davis (Journal of the Illinois State Historical Society, April-July, 1923, and Transactions of the Illinois State Historical Society, 1923).

- Starrett, E. C.,
What the Banker Should Know About Auto Financing (The Northwestern Banker, July, 1924).
- Stefansson, Vilhjalmur,
Attacking Pet and Popular Beliefs (Current Opinion, May, 1924).
- Thompson, Elbert N. S.,
The Interest of English Poets in Italian Freedom (Philological Quarterly, July, 1924).
- Upham, Cyril B.,
How Bankers' Acceptances Finance Cooperatives (Bankers' Monthly, August, 1924).
- Wade, Martin Joseph,
How to Study the Constitution. Chicago: American Citizen Publishing Co. 1924.
- Ward, Duren J. H.,
Science — Its Meaning and Goal. Denver: Up the Divide Publishing Co. 1924.
- Watson, Martha A.,
A Visit to the American Cemeteries in Europe (Annals of Iowa, January, 1924).
- Weaver, Louise Bennett, (Joint author)
Bettina's Cakes and Cookies. New York: A. L. Burt & Co. 1924.
- Williams, E. G.,
Again the Roll Is Called (Miscellany of the Iowa Masonic Library, No. 13).
The Hour Glass and the Scythe (Miscellany of the Iowa Masonic Library, No. 13).
- Wuorinen, John H.,
The Efforts to Form a Union of Baltic States (Current History, July, 1924).

Yoakam, Gerald Alan,

The Effects of a Single Reading. Iowa City: The State University of Iowa. 1924.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Sioux City Civil War veterans, in the *Sioux City Tribune*, May 29, 1924.

Pioneer days in northwestern Iowa, in the *Manson Journal*, May 29, 1924.

Civil War reminiscences, by John Kennedy, in the *Greeley Press*, May 29, 1924.

A legend of an Indian maiden in western Iowa, in the *Mason City Gazette*, June 2, 1924.

An Iowa pioneer tale, by C. W. Lyon, in the *Marshalltown Times-Republican*, June 4, 1924.

An outline of the history and growth of Sioux City through the pioneer period, by Constant R. Marks, in the *Sioux City Journal*, June 5, 1924.

Recollections of Theophile Bruguere, Sioux City's first settler, by Gertrude Henderson, in the *Sioux City Journal*, June 5, 1924.

Buffalo during 1836 and 1837, by August P. Richter, in the *Davenport Times*, June 7, 1924.

W. A. Scott gave site of Iowa Capitol to the State, in the *Marshalltown Times-Republican* and the *Boone News*, June 9, 1924.

Early day history, in the *Jefferson Bee*, June 11, 1924.

Diary of a trip from Wisconsin to Iowa in 1864, by Alice Packard Luick, in the *Belmond Herald-Press*, June 11, 18, 1924.

Sketch of the life of Joseph Lawless, in the *Eldora Ledger*, June 12, 1924.

An old settler's story of a narrow gauge railroad, in the *Traer Star-Clipper*, June 13, 1924.

Packet liners and steamboats on the Mississippi, by Captain F. A. Whitney, in the *Burlington Saturday Evening Post*, June 14, 21, 28, 1924.

Relics of early Iowa on display during Jubilee Week, in the *Sioux City Tribune*, June 14, 1924.

The Tesson land grant, in the *Montrose Journal*, June 19, 1924.

An early settler's home, in the *Lone Tree Reporter*, June 19, 1924.

Coming of the Quakers from North Carolina to Iowa, by Lillie Young McKinney, in the *Burlington Hawk-Eye*, June 22, 1924.

Descendants of John and Priscilla Alden picnic at Marshalltown, in the *Grinnell Herald*, June 23, 1924.

Early story of Clinton County to be shown in pageantry, in the *Clinton Advertiser*, June 24, 1924.

Some early history of Pocahontas County, in the *Pocahontas Record*, June 26, 1924.

From Pennsylvania to Iowa by water in 1860, in the *Melcher Union*, June 26, 1924.

The discovery of Iowa by Marquette and Joliet, in the *Burlington Gazette*, the *Muscatine Journal*, the *Mason City Gazette*, and the *Atlantic News*, June 27, 1924.

An old steamboat, the "Belle of Bellevue", in the *Bellevue Leader*, July 3, 1924.

Discovery of an Indian skeleton near Eagle Lake, in the *Diagonal Reporter*, the *Aurora Observer*, the *Ashton Leader*, the *Anamosa Eureka*, the *Stanton Call*, the *Mount Ayr Record-News*, the *Vinton Eagle*, the *Schaller Herald*, the *Hedrick Journal*, the *Lovilia Press*, the *Tipton Advertiser*, the *Earlville Camera*, the *Menlo Journal*, the *Elk Horn Review*, the *Center Point Independent*, the *Elliott Graphic*, the *Norway Star*, the *Arlington News*, the *Rake Register*, July 3, 1924, and in the *Belmond Herald*, the *Humeston New Era*, July 9, 1924, and the *Lenox Time-Table*, July 10, 1924.

A Fourth of July celebration in 1860, in the *Independence Journal*, July 3, 1924.

Early judicial history in northern Iowa, in the *Pocahontas Record*, July 3, 1924.

Des Moines sixty-nine years ago, in the *Des Moines Register*, July 9, 1924.

Ancient Indian townsite located by Charles R. Keyes, southwest of Peru in Madison County, in the *Chariton Leader*, and the *Le Mars Sentinel*, July 7, 1924, the *Bloomfield Republican*, the *Denison Review*, the *Cresco Times*, the *Ida Grove Record-Era*, and the *Newton News*, July 9, 1924, the *Ute Independent*, the *Osage Press*, the *Fonda Journal and Times*, the *Des Moines Plain Talk*, the *Woodbine Twiner*, the *Davenport Times*, the *Sac City Sun*, the *Pocahontas Democrat*, the *Jefferson Herald*, the *Audubon Advocate*, the *Eagle Grove Times*, the *Afton Star-Enterprise*, the *McGregor Times*, the *Pella Chronicle*, the *Clarinda Journal*, the *Decorah Republican*, the *Indianola Herald*, the *Montezuma Republican*, the *Brooklyn Chronicle*, the *Rock Valley Bee*, the *Waverly Independent*, and the *Fenton Reporter*, July 10, 1924, the *Glenwood Tribune* and the *Adair News*, July 11, 1924, the *Sheldon Sun*, July 16, 1924, the *Williamsburg Tribune*, the *Dyersville Commercial*, the *Humboldt Independent*, and the *Carroll Times*, July 17, 1924.

History of Lucas County and Chariton to be shown in pageant, in the *Chariton Herald-Patriot*, July 10, 1924.

Ferry boats on the upper Mississippi River, by Captain Fred A. Bill, in the *Burlington Saturday Evening Post*, July 12, 19, 26, 1924.

The welcome to Marquette and Joliet, in the *Davenport Democrat*, July 20, 1924.

Mound builders in Iowa, in the *Davenport Democrat*, July 20, 1924.

How Lincoln's assassination was handled by Davenport newspapers, in the *Davenport Democrat*, July 20, 1924.

A history of Fairfield University, by L. Mendenhall, in the *Fairfield Ledger*, July 28, 1924.

Historical relics displayed at Chariton, in the *Chariton Herald-Patriot*, July 31, August 7, 1924.

Independence in the sixties, in the *Independence Journal*, July 31, 1924.

Historical exhibit at Algona, in the *Algona Republican*, August 6, 1924.

The northern Iowa border brigade, by Captain William H. Ingham, in the *Algona Republican*, August 6, 1924.

Algona founders, in the *Algona Republican*, August 6, 1924.

The battle of Athens, by J. P. Cruikshank, in the *Keokuk Gate City*, August 6, 1924.

The first Iowa State Fair, by J. S. Shepherd, in the *Mount Ayr Journal*, August 7, 1924.

A pioneer mail carrier, in the *Waterloo Courier*, August 7, 1924.

Early days in Henry County, in the *New London Journal*, August 7, 1924.

A collection of pioneer wills, in the *Burlington Hawk-Eye*, August 10, 1924.

The first fair in Taylor County, in the *Bedford Times-Republican*, August 11, 1924.

Pastimes in pioneer days, in the *Webster City Journal*, August 13, 1924.

A Civil War letter, in the *Bellevue Leader*, August 14, 1924.

A county seat contest in Taylor County in 1859, in the *Bedford Times-Republican*, August 14, 1924.

Reminiscences of a trip from Kentucky to Iowa in 1867, by W. H. Bryan, in the *Prairie City News*, August 14, 1924.

A public sale in 1849, in the *Madrid News*, August 14, 1924.

Abraham Lincoln at Burlington, in the *Burlington Hawk-Eye*, August 17, 1924, and the *Burlington Gazette*, August 18, 1924.

The State Fair in 1854, in the *Fairfield Ledger*, August 19, 1924.

Knoxville seventy years ago, by C. H. Babbitt, in the *Knoxville Journal*, August 21, 1924.

Sketch of Samuel J. Kirkwood, Iowa's Civil War Governor, in the *Iowa City Press-Citizen*, August 22, 1924.

Sketch of William Neuhoff, veteran of fifty-six Civil War engagements, in the *Sioux City Journal*, August 23, 1924.

Interesting relics of pioneer days in the Langworthy home, in the *Dubuque Telegraph-Herald*, August 24, 1924.

Early documents of Taylor County, in the *Bedford Times-Republican*, August 25, 1924.

Buchanan's history of Cherokee County, 1871, in the *Cherokee Times*, August 25, 1924.

A peculiar old will, in the *Jefferson Bee*, August 27, 1924.

Old towns of Taylor County, in the *Bedford Times-Republican*, August 28, 1924.

Pioneering in eastern Iowa, in the *Bellevue Leader*, August 28, 1924.

Mrs. Jane Clark Kirkwood, Iowa's grand old lady, in *The Iowa Magazine*, August 28, 1924.

History of the pioneers in Davis County, in the *Bloomfield Democrat*, August and September, 1924.

HISTORICAL SOCIETIES

PUBLICATIONS

Volume twenty-seven of the *Buffalo Historical Society Publications* is a volume of *Seneca Myths and Folk Tales*, by Arthur C. Parker.

The Defence of Croton River in the Revolution, by Reginald Pelham Bolton, is one of the articles in *The New-York Historical Quarterly Bulletin* for July.

Extinct River Towns of the Chesapeake Bay Region, by Henry J. Berkley, is one of the articles in the *Maryland Historical Magazine* for June.

Historical Markers in Indiana, a revised edition of Bulletin No. 14 of the Indiana Historical Commission appears under the date of April, 1924.

Minnesota History in the High School Curriculum, by Arthur D. White, and *The Boundaries of Brown County* are the two papers in the August issue of the *Minnesota History Bulletin*.

The State Historical Society of Wisconsin has published the *Proceedings of the Society at Its Seventy-first Annual Meeting Held October 18, 1923*. A list of the members of the Society is included.

Early History of Fremont County, by H. G. Nickerson, *Scenic Conditions in Fremont County, Wyoming*, by E. H. Fourt, letters by A. C. Beckwith, and *Wyoming Pioneer Experiences*, by A. L. Brock, are the contributions in the July issue of the *Quarterly Bulletin of the Historical Department of Wyoming*.

The Virginia Magazine of History and Biography for July contains an article on *The Virginia Clergy*, taken from Governor

Gooch's letters to the Bishop of London, 1727-1749. These letters were contributed by Fairfax Harrison and edited by G. McLaren Brydon.

The July issue of the *Rhode Island Historical Society Collections* contains an article by Charles A. Calder on *Rhode Island Pewterers*. There is also a continuation of *The Memoranda of William Green*, by Henry S. Fraser.

Knoxville's *Old Educational Institutions*, by Kate White, *The Cavalry at Spring Hill*, by Thomas Robson Hay, and *The Economic and Social Beginnings of Tennessee*, by Albert C. Holt, make up the April issue of the *Tennessee Historical Magazine*.

The Georgia Historical Quarterly for June contains the following papers: *The Royal Government of Georgia, 1752-1776*, by Percy Scott Flippin; *The Battle of Chattanooga*, by Thomas Robson Hay; *The Florida State Historical Society*; and *Button Gwinnett*, by Walter G. Charlton.

The Colorado Magazine for July contains *The Pioneer Bar of Colorado*, an address by Charles S. Thomas, *Creating a Commonwealth*, by A. J. Fynn, and a continuation of *Further Archaeological Research in the Northeastern San Juan Basin of Colorado, During the Summer of 1922*, by J. A. Jeancon and Frank H. H. Roberts.

Messages and Papers of Jonathan Jennings, Ratliff Boon, William Hendricks, edited by Logan Esarey, has recently been published by the Indiana Historical Commission as Volume III of the *Governors Messages and Letters*. This covers the period from 1816 to 1825 in Indiana history.

The three articles in the July issue of the *Western Pennsylvania Historical Magazine* are: *The First Courts in Western Pennsylvania*, by Alexander S. Guffey; *The Shawnee in Pennsylvania*, by Geo. P. Donehoo; and *Earliest Settlements in the Fifteenth Ward of the City of Pittsburgh*, by Mrs. S. Kussart.

The July number of *The Washington Historical Quarterly* contains the following papers: *Robert Moore in Oregon History*, by J.

Orin Oliphant; *Chief Patkanim*, by Edmond S. Meany; *North West and Hudson's Bay Companies*, by Aaron Newell; *Passing of an Immigrant of 1843*, by J. Orin Oliphant; and *Secret Aid for Oregon Missions*, by Edmond S. Meany. There is also a continuation of *The Nisqually Journal*, edited by Victor J. Farrar.

Frontenac's Projected Attempt on New York in 1689, by H. P. Bigger, and *John Brown*, an address by James A. Hamilton, are two contributions to *The Quarterly Journal of the New York State Historical Association* for April. *The Royal Prerogative in New York, 1691-1775*, by Rex Maurice Naylor, and *Unhistorical Museums or Museums of History — Which*, by Arthur C. Parker, are the two articles in the July issue.

The *Nebraska History and Record of Pioneer Days* for October-December, 1923, contains a brief biographical sketch of Albert Watkins, who died on November 19, 1923. The papers and articles in this number include the following: *The Ground Bean*, by Melvin R. Gilmore; *Story of Indian Fighting in 1864*, by Mark M. Coad; and *Early Banks in Nebraska*.

The North Carolina Historical Review for July is an Aycock memorial number. The three addresses and papers included are: *Charles Brantley Aycock — An Appreciation*, by Edwin Anderson Alderman; *Charles Brantley Aycock — Historical Address*, by Josephus Daniels; and *Traces of the Indian in Piedmont North Carolina*, by Douglas L. Rights.

Among the articles and papers in the *Proceedings of the New Jersey Historical Society* for July are the following: *La Fayette's Visit to New Jersey in 1824-'5*, by Frank Bergen; *Service of the New Jersey Militia in the Revolutionary War*, by Cornelius C. Vermeule; and *A Somerset County "Deserted Village"*, by Elias Vosseller.

The June number of the *Chronicles of Oklahoma* contains the following four articles: *Medicine Lodge Peace Council*, by Alfred A. Taylor; *The Centennial of Fort Gibson*, by Grant Foreman; *Warren's Trading Post*, by W. H. Clift; and *The Cherokee Question*, by Joseph B. Thoburn.

The American Historian's Raw Materials, an address by J. Franklin Jameson, "Who Was Who" in *Michigan, 1760-1796*, *Some Indian Graves at Escanaba*, by Mrs. James Hannibal Clancey, and *Detroit to Mackinac Island, 1837*, from Mrs. Jameson's *Winter Studies and Summer Rambles*, are the chief contributions to the April number of the *Michigan History Magazine*.

The *Indiana Magazine of History* for June contains the following articles and papers: *General Washington Johnston*, by George R. Wilson; *John Hay Farnham*, by Elizabeth Tucker Cauble; *Early Methodism in Clay County*, by Albert Fletcher Bridges; *Execution of Private Robert Gay*, also by Mr. Bridges; *The Cary Sisters in Oxford*, by Jesse S. Birch; and a continuation of *Early Vevay*, by Perret Dufour.

The four articles in the July number of *The American Historical Review* are the following: *The Influence of the Manufacturers upon the Early Policies of William Pitt*, by Will Bowden; *The Military Studies of George Washington*, by Oliver L. Spaulding, Jr.; *The Oregon Pioneers and the Boundary*, by Frederick Merk; and *The Louisville and Nashville Railroad, 1861-1865*, by R. S. Cotterill. Under the heading *Documents* is *Marbois on the Fur Trade, 1784*.

Edward Savage's Portraits of Washington, by Mantle Fielding, *Sinnontouan, or Seneca Land, in the Revolution*, by Rufus B. Stone, and continuations of *The Provincial and Revolutionary History of St. Peter's Church, Philadelphia, 1753-1783*, by C. P. Jefferys, and *The Second Troop Philadelphia City Cavalry*, by W. A. Newman Dorland, are four papers in the July number of *The Pennsylvania Magazine of History and Biography*.

The *Annual Publications of the Historical Society of Southern California* for 1922 contains the following articles and papers: *Diplomatic Relations with Mexico during the Administration of James K. Polk*, by Robert S. Hicks; *Gold Discovery in California*, by Charles J. Prudhomme; *A History of Calexico, California*, by Margaret Romer; *Poems of the Southwest*, by Ida Eickert-Law-

rence; and *History of University District, Los Angeles*, by Alverda June Brode.

The Florida Historical Society has resumed the publication of its quarterly magazine, *The Florida Historical Society Quarterly*, which was suspended in 1908. This number, dated July, 1924, contains the following papers: *Minutes of Organization in 1856 and List of Members*, by J. C. Yonge; *Home Life of the Florida Indians*, by Benjamin Harrison; *Old Pictures of the New Florida*, also by Benjamin Harrison; *Reminiscences of the Indian Uprising Near Fort Gatlin, Florida*, by Mrs. Martha Tyler; and *Florida Newspapers and Their Value to Historians*, by James O. Knauss.

The Louisiana Historical Quarterly for July, 1923, contains an account of the tribute of the Society to Miss Grace King. This includes an address by Henry P. Dart on *Miss King's Historical Works*, *The Fiction of Grace King*, by Reginald S. Cocks, *Dorothy Dix Talks on Miss King*, by Mrs. E. M. Gilmer, and *A Southern Author in Her New Orleans Home*, by Louise Hubert Guyol. In addition there are the following articles: *An Old Lady's Gossip*, by Cecile Willink; *Adrien Rouquette: Poet and Mystic*, by G. William Nott; *History of the Cabildo of Mexico City 1524-1534*, by Louis K. Dyer; and another installment of *Records of the Superior Council of Louisiana*.

The Quarterly of the Oregon Historical Society for June contains an account of the unveiling of the statue in honor of the circuit rider. This includes two addresses — *The Christian Minister and the State*, by William O. Shepard, and *The American Pioneer*, by Joseph N. Teal. Other papers are: *The History of the Educational Activities of the Protestant Episcopal Church in Oregon*, by Charles E. Lewis, and a *Journal of a Trip Across the Plains, 1851*, by P. V. Crawford.

William H. Hatch: His Great Contribution to Agriculture, by F. B. Mumford, *The Founding of St. Charles and Blanchette, Its Founder*, by Ben L. Emmons, *The Overland Mail Issue During the Fifties*, by Curtis Nettels, *Diary of a Journey from Kentucky to*

California, 1849, by J. A. Pritchard, *Personal Recollections of Distinguished Missourians* — *James S. Rollins*, by Daniel M. Grissom, *The New Journalism in Missouri*, by Walter B. Stevens, and a continuation of *The Followers of Duden*, by William G. Bek, are the articles and papers in *The Missouri Historical Review* for July.

Nelson Powell Hulst, "*The Greatest American Authority on Iron*", by Ellis B. Usher, *Pioneer Life on the Menominee Iron Range*, by Mrs. Nelson Powell Hulst, *Ole Bull and His Wisconsin Contacts*, by Albert O. Barton, *Early Wisconsin Editors*, by John G. Gregory, and *Calumet, on the Old Fort Dearborn Trail* — an installment of *Historic Spots in Wisconsin* — by William A. Titus, are the five articles in *The Wisconsin Magazine of History* for June. Under *Documents* is an autobiography entitled *Recollections of Life in Early Wisconsin*, by Amherst Willoughby Kellogg.

An extra number of the *Indiana History Bulletin* for June contains the *Proceedings of the Fifth Annual Meeting of the Southwestern Indiana Historical Society*. Included in this is a paper on *The Robert Dale Owen Home in New Harmony*, by Nora Chadwick Fretageot. In the July extra number is a study by E. Y. Guernsey entitled *Archaeological Survey of Lawrence County*. The regular number for August contains the *Story of Rose Hartwick Thorpe and Curfew Must Not Ring Tonight*, by Ida Helen McCarty. Mrs. Thorpe was born in Indiana in 1850. The extra number for August contains *Archaeological and Historical Survey of Washington County*. A double number for September contains a paper on *A Contraband Camp*, by Elizabeth Nicholson.

The January number of the *Southwestern Historical Quarterly* contains the following articles and papers: *The Location of La Salle's Colony on the Gulf of Mexico*, by Herbert E. Bolton; *St. Denis's Second Expedition to the Rio Grande, 1716-1719*, by Charmion Clair Shelby; and continuations of *The Expedition of Panfilo De Narvaez*, edited by Herbert Davenport, and *The Bryan-Hayes Correspondence*, edited by E. W. Winkler. *The Influence of Slavery in the Colonization of Texas*, an address by Eugene C. Barker, *The Recognition of the Diaz Government by the United*

States, by Charles W. Hackett, and installments of *The Expedition of Panfilo De Narvaez*, by Gonzalo Fernandez Oviedo y Valdez, edited by Herbert Davenport, and *The Bryan-Hayes Correspondence*, edited by E. W. Winkler, are the four contributions published in the issue for July.

The Influence of Slavery in the Colonization of Texas, by Eugene C. Barker, *A Problem of Church and State in the 1870's*, by Martha L. Edwards, *The Davis-Hood-Johnston Controversy of 1864*, by Thomas Robson Hay, and *Nicholas P. Trist, a Diplomat with Ideals*, by Louis Martin Sears, are the four papers in the June issue of *The Mississippi Valley Historical Review*. The September number contains four articles as follows: *The National Significance of George Rogers Clark*, by Temple Bodley; *The Peace Movement in North Carolina*, by A. Sellew Roberts; *Notes on the Economic History of New Orleans, 1803-1836*, by James E. Winston; and *Points of Contact Between History and Literature in the Mississippi Valley*, by Dorothy Dondore. Under *Notes and Documents* Thomas M. Marshall contributes *The Road to California: Letters of Joseph Price*. There is also a report of the meeting of the Mississippi Valley Historical Association at Louisville, by Lester B. Shippee.

Among the numerous papers and addresses in the *Journal of the Illinois State Historical Society* for April-July, 1923, are the following: *The Northwestern Career of Jefferson Davis*, by M. M. Quaife; *A Collection of Letters from Lyman Trumbull to John M. Palmer, 1854-1858*, compiled and edited by George Thomas Palmer; *Congregationalism in Springfield*, by John H. Piper; *New York and the Fusion Movement of 1860*, by Louis Martin Sears; *Hiram Rountree*, by A. T. Strange; *A Pioneer Teacher — Helen J. Buss*, by Esther Perry Hornbaker; *The Departed Glories of Old Palmyra*, by D. E. Keen; "The Significance of Yorktown", by Charles H. MacDowell; *The Spanish-American War*, by Oscar E. Carlstrom; *The Pioneers of Macon County and the Civil War*, by N. M. Baker; *Some Sidelights on the Early History of Stark County, Illinois*, by William H. Jackson, and *Recollections of a Little Girl in the "Forties"*, by Mrs. Paul Selby.

The volume of *Transactions of the Illinois State Historical Society* for 1923 contains a number of papers in addition to the usual reports. Among these papers are the following: *The European Situation and Our Relation to It*, by Simeon D. Fess; *The Northwestern Career of Jefferson Davis*, by Milo M. Quaife; *The Railroad and the Prairie*, by C. A. Harper; *Ephraim Elmer Ellsworth, First Martyr of the Civil War*, by Luther E. Robinson; *The Influence of Tennesseans in the Formation of Illinois*, by Edward Bryant Landis; *Commerce and Union, Sentiment in the Old Northwest in 1860*, by A. H. Kohlmier; and *Life and Public Service of Mrs. John A. Logan*, by Mrs. A. S. Caldwell. The volume contains an address on *Richard Yates, War Governor of Illinois*, by his son, Richard Yates, and one by Norman L. Jones on *John M. Palmer*. These were delivered at the unveiling of monuments to the former governors. About a third of the volume is taken up by a reprint of *Sketches of the History of Stephenson County, Ill. and Incidents Connected with the Early Settlement of the North-West*, by William J. Johnston.

The January number of the *Ohio Archaeological and Historical Quarterly* contains the following articles: *Felix Renick, Pioneer*, by Charles Sumner Plumb; *Diary of Aaron Miller*; and *Dedication of the James E. Campbell Elm*. There is also an account of the unveiling of the tablet marking the site of Fort Gower. The three articles in the April number are: *The Ordinance of 1787, Its Origin and Authorship*, by C. B. Galbreath; *Ohio's Contribution to National Civil Service Reform*, also by C. B. Galbreath; and *Ohio's Only Witchcraft Case*, by Albert Douglas. An editorial reviews at some length an article by Leland H. Jenks in *The American Mercury* for March on *The John Brown Myth*. Winthrop Sargent, by Charles Sprague Sargent, and Mitchener's "Legend of the White Woman, and Newcomerstown", by George F. Smythe, are two of the articles in the July issue.

ACTIVITIES

The Southwestern Indiana Historical Society held its spring meeting at Huntingburg on June 10, 1924.

Jacob P. Dunn, Secretary of the Indiana Historical Society since 1886, died at Indianapolis on June 6, 1924.

The Hawkeye Natives of Burlington held a memorial service at Crapo Park on June 1, 1924. Judge Oscar Hale of the district court delivered an address dealing with the history of Burlington.

Christopher Bush Coleman, formerly of Allegheny College, has recently been elected Director of the Indiana Historical Commission to succeed Mr. Harlow Lindley who resigned from that position to return to his work at Earlham College.

The Worth County Historical Society, which was recently organized, has elected the following officers: Dr. C. H. Hurd, president; Ed Swensrud, vice president; and Mrs. John Johnson, secretary and treasurer. Directors were also chosen representing the various townships. It is planned to fit up a room in the courthouse at Northwood as a museum for historical records.

After a long period of inactivity the Howard County Historical Society has been reorganized with the following officers: C. J. Harlan, president; Lauraine Mead, vice president; Mrs. Alma Glass, secretary; and J. H. Howe, treasurer. Regular meetings will be held on the second Monday of each month. Mrs. Abe Upton of Chicago donated \$100 to the society in memory of her husband and his father, the pioneer Judge Upton.

THE STATE HISTORICAL SOCIETY OF IOWA

The State Historical Society of Iowa has received a collection of framed portraits and pictures from the home of former Governor S. J. Kirkwood. Among these are pictures of Senator James W. Grimes and General Grenville M. Dodge.

A seventh volume of the *Iowa Chronicles of the World War* has been recently published by the State Historical Society. This is *The Sale of War Bonds in Iowa* and was prepared by Nathaniel R. Whitney. As its title suggests this volume presents an account of the campaigns for the sale of the United States government bonds and certificates in Iowa during the World War.

The State Historical Society of Iowa has recently distributed *A History of the Sixth Iowa Infantry*, a volume of five hundred and forty pages, by Henry H. Wright, who was a member of the regiment during its entire service in the Civil War. The book contains a detailed account of the marches, camps, and battles of the regiment from the point of view of a private in the ranks.

The nine members of the Board of Curators of The State Historical Society of Iowa who were appointed by Governor N. E. Kendall on June 25th to serve for the next two years were the following: Mrs. Lillian Clark Cary, Dubuque; John M. Grimm, Cedar Rapids; Mrs. Mary H. S. Johnston, Humboldt; Mrs. A. H. Hoffman, Des Moines; William G. Kerr, Grundy Center; Mrs. Helen S. Taylor, Bloomfield; Alfred C. Smith, Clinton; Mrs. Ellsworth Richardson, Pella; and H. O. Weaver, Wapello.

The following persons have recently been elected to membership in the Society: Mr. W. H. Baird, Mason City, Iowa; Miss Christine Balliet, Des Moines, Iowa; Mr. Donald A. Boone, Boone, Iowa; Mr. H. L. Carr, Blockton, Iowa; Miss Verna Elefson, Lamoni, Iowa; Mr. Carl H. Erbe, Iowa City, Iowa; Dr. Chas. M. Hazard, Arlington, Iowa; Mr. Fred F. Keithley, Des Moines, Iowa; Miss Wenonah E. Macy, Des Moines, Iowa; Mr. Chas. J. Naumann, Corwith, Iowa; Mrs. Dilla Waldron, Nevada, Iowa; Mr. D. F. Wisdom, Corning, Iowa; Miss Ariel B. Ziegler, Fairfield, Iowa; Mr. W. W. Abel, Emerson, Iowa; Mrs. Kate Reed Daly, Cresco, Iowa; Mr. J. Frank Johnson, Blakesburg, Iowa; Mrs. D. A. Lee, Guthrie Center, Iowa; Dr. Wilbur S. Conkling, Des Moines, Iowa; and Mr. John R. Waller, Garner, Iowa. The following persons have been enrolled as life members: Mr. James W. Bollinger, Davenport, Iowa; Mr. F. H. Garver, Dillon, Mont.; Miss Agnes Heightshoe, Perry, Iowa; Mr. J. G. Henry, Kansas City, Mo.; Mr. H. C. Horack, Iowa City, Iowa; Mr. Louis Koeh, Middle Amana, Iowa; Mr. Paul A. Korab, Iowa City, Iowa; Mr. D. D. Murphy, Elkader, Iowa; Mr. Chas. E. Pickett, Waterloo, Iowa; Mr. C. B. Robbins, Cedar Rapids, Iowa; Mr. G. S. Robinson, Spirit Lake, Iowa; Dr. W. Ruml, Cedar Rapids, Iowa; Mr. Bohumil Shimek, Iowa City, Iowa; Miss Edna Stone, Oakland, Calif.; and Hon. Horace M. Towner, San Juan, Porto Rico.

NOTES AND COMMENT

Dr. Gaillard Hunt of Washington, D. C., died on March 20, 1924.

The thirty-fourth annual meeting of the Iowa Library Association was held at Boone on October 1-3, 1924.

The twenty-seventh annual convention of the League of Iowa Municipalities met at Mason City on August 19-21, 1924.

The annual reunion of the early settlers of Black Hawk County was held in Hanna's Grove, near Cedar Falls, on August 30, 1924.

Sioux City held a celebration of its diamond jubilee on June 8-14, 1924. The program included an historical pageant presenting five episodes in the history of Sioux City. A feature of the celebration was an encampment of Indians from the Rosebud Reservation.

The thirty-eighth reunion of the early settlers of Madison and Warren counties was held at St. Charles on August 14, 1924. Addresses were delivered by Col. Claude M. Stanley and Hon. C. C. Dowell. At the business meeting the following officers were chosen: Uriah Snider, president; W. P. Houlette and Harlow Mills, vice presidents; H. A. Mueller, secretary; and J. F. Johnston, treasurer.

The annual reunion of the old settlers of Fremont, Mills, and Pottawattamie counties was held at Carson on August 22, 1924. A collection of pioneer implements was one of the features of the day, and M. B. Pitt was one of the speakers. B. E. Mann was elected president, and John Barbour secretary. The next meeting will be at Tabor.

Charles R. Keyes, who has been working on an archeological survey of Iowa for the State Historical Society of Iowa, has been appointed by the National Research Council a member of the Committee on State Archeological Surveys for the year 1924-1925. Such surveys are now being made in Wisconsin, Ohio, Michigan, and Iowa. Alfred V. Kidder is chairman of the committee.

THE COUNTY SEAT OF VAN BUREN COUNTY

It appears that the account of the location of the county seat in Van Buren County given in the article on *The Location of County Seats in Iowa*, by Jacob A. Swisher, has been interpreted as leaving some question as to the legality and permanence of the location of the county seat at Keosauqua. In order to clear up this doubt and to present additional information it seems advisable to give a resumé of the essential facts.

The law of December 7, 1836, which established Van Buren County, designated Farmington as the place of holding court. The first meeting of the county commissioners was held there on May 4, 1837. (Records of County Commissioners of Van Buren County, Old Book, p. 1.) On December 16, 1837, the legislature of Wisconsin Territory, of which Iowa was still a part, passed an act removing the county seat from Farmington to Rochester. This was vetoed by the Governor and failed to become a law. Instead, on January 18, 1838, the Wisconsin legislature passed an act providing for the choice of a county seat at the first election of county commissioners and on June 22, 1838, the legislature passed a second act concerning the election for the location of the county seat of Van Buren County and fixed the first Monday in August, 1838, as the date of the election.

At a meeting on July 11, 1838, the commissioners established election precincts in Van Buren County and on August 7th they ordered the sheriff to advertise an election to be held on September 10, 1838. (Records of the County Commissioners of Van Buren County, Old Book, pp. 53-56, 65.)

The election occurred on the date fixed by the county commissioners — September 10, 1838 — the contestants being Keosauqua and Bentonsport. Keosauqua received a majority of the votes cast and became the county seat. (Records of the County Commissioners of Van Buren County, Old Book, pp. 76, 77, 82.) The commissioners held their last meeting at Farmington on October 12, 1838, and met at Keosauqua on January 7, 1839.

The matter, however, was not yet settled for an act of the Iowa legislature, approved on January 25, 1839, appointed three com-

missioners to relocate the county seat of Van Buren County, but provided that if the "proprietors" of the town of Keosauqua should, before April 1, 1839, provide \$5000 for constructing county buildings at Keosauqua, the act should be null and void. This bond was filed by the date fixed and the provision for the relocation of the county seat was thus nullified. (Records of the County Commissioners of Van Buren County, Old Book, pp. 95, 96.)

For the material from the county records the Society is indebted to A. L. Heminger of Keosauqua. This contribution is evidence of the value of local records and of the assistance of those interested in local affairs in the compilation of historical articles and papers.

CONTRIBUTORS

HENRY STEPHEN LUCAS, Assistant Professor of History at the University of Washington. Born at Jamestown, Michigan, on March 5, 1891. Received the B. A. degree from Olivet College in 1913, the M. A. degree from Indiana University in 1915, and the Ph. D. degree from the University of Michigan in 1922. Was instructor in history at the University of Michigan, 1918-1919 and 1920-1921. Attended the University of Leiden, Holland, 1919-1920. Author of articles on Dutch immigration.

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AN INDEX
TO THE
IOWA JOURNAL OF HISTORY AND POLITICS
VOLUME TWENTY-TWO
1924

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